



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

1

1

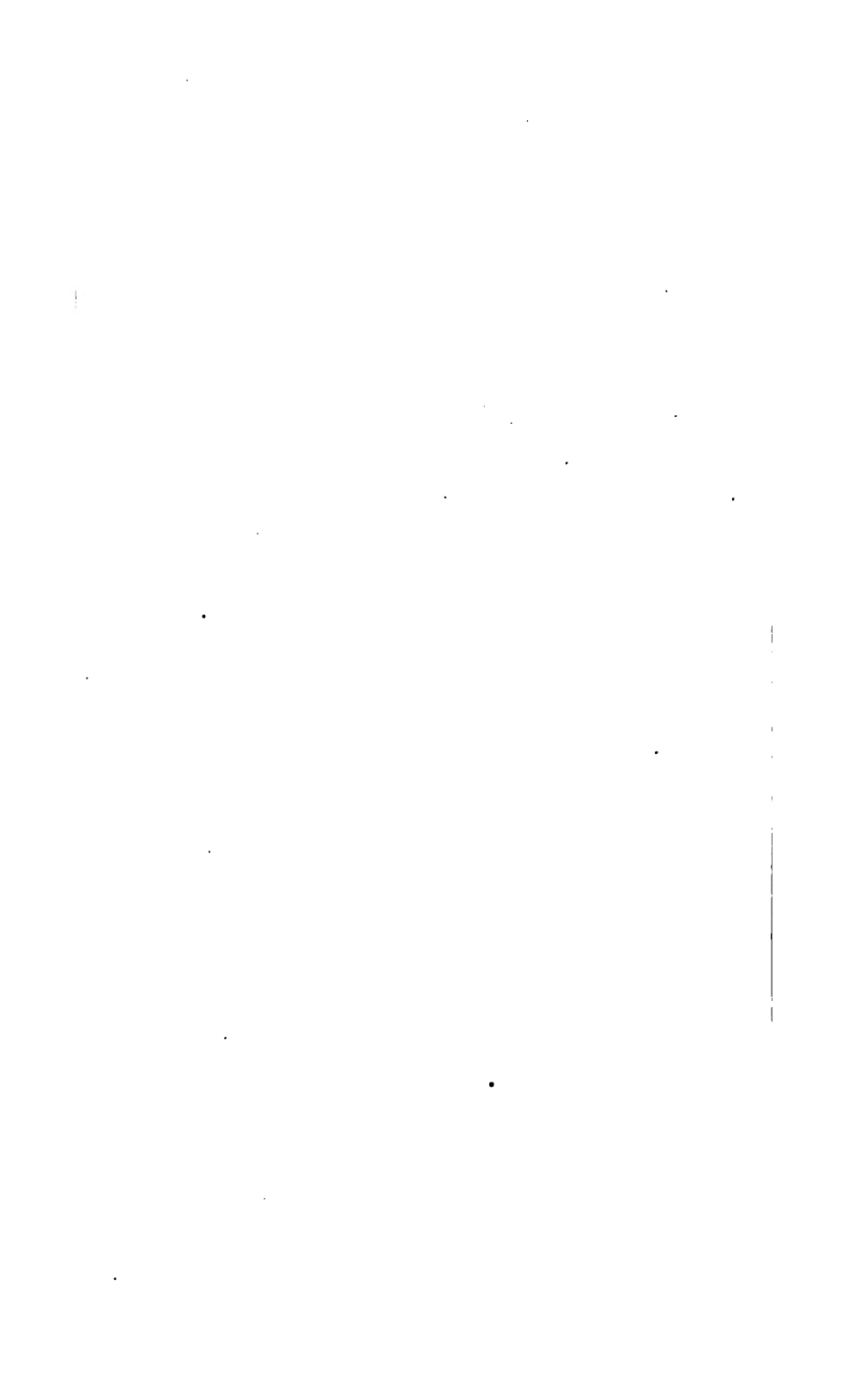


704

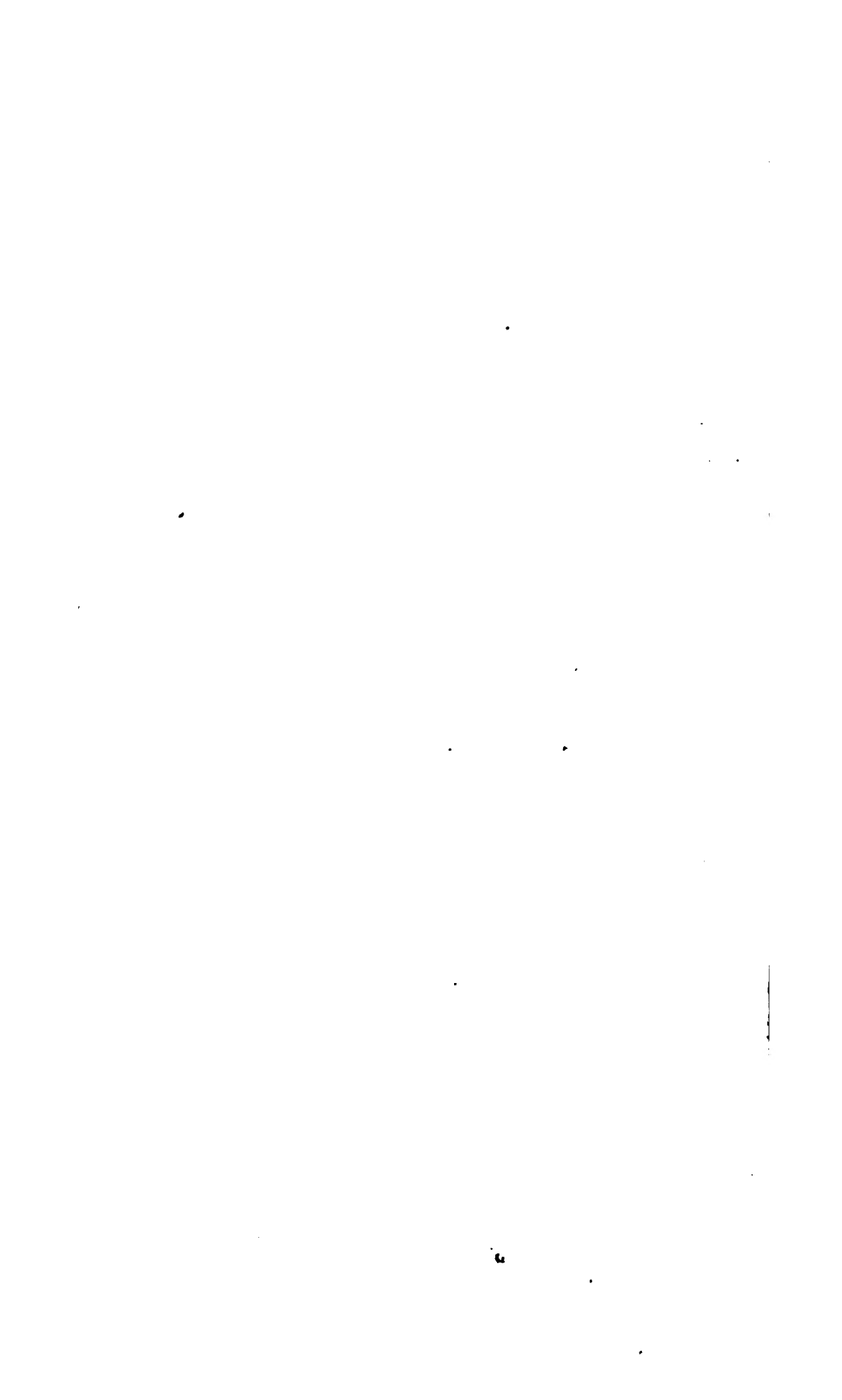
1-

1771

43.







# L A W S

## OF THE STATE OF NEW-YORK,

COMPRISING THE

## CONSTITUTION,

AND THE

## ACTS OF THE LEGISLATURE,

SINCE THE REVOLUTION, FROM THE

FIRST TO THE FIFTEENTH SESSION, INCLUSIVE.

---



---

IN TWO VOLUMES.

VOLUME II.

---

*Quam Leges aliae super alias accumulatae, eas de integro retractare, et in Corpus sanum et habile redigere, ex Vitis sit.*

BACON.

*Miseria Servitius est ubi Jus est vagum aut incognitum.*

4 Inst. 246.

---

NEW-YORK—PRINTED BY THOMAS GREENLEAF—N, DCC, XC, II.

222746


УХАЯВЛІ ОБОТВАТІ

# P R E F A C E.

**T**HE *second Volume of the Laws of New-York is finally completed. In this Volume the same Plan has been pursued as in the first, nor has a Sheet of it been put to the Press until critically examined by some one Gentleman of the Profession of the Law.*

*The Patrons to this Work will please to observe, that agreeably to the Request of a great Part of them, the Laws which were passed at the fifteenth Session of the Legislature, comprises Part of this Volume; and, as this Addition was not contemplated in the original Proposals, that this is subject to the trifling extra Charge of TWO SHILLINGS and SIX-PENCE. The Editor has no Doubt but the Demand will be cheerfully complied with by all the Subscribers; and hopes, that the whole Work will fully answer their most sanguine Expectations—being, with sentiments of respect, &c.*

THOMAS GREENLEAF.

 *The Editor has this Day issued Proposals for printing the future Laws of New-York in NUMBERS, to commence with the next (or sixteenth) Session; each Number to contain the Laws of one Session, be it more or less, to be stitched in Blue, at 3s. the Number.*





---

# L A W S

OF THE

## STATE OF NEW-YORK,

Passed in the ELEVENTH SESSION of the LEGISLATURE,  
held at POUGHKEEPSIE, in DUTCHESS COUNTY.

---

### C H A P. II.

*An ACT to prevent Delays of Proceedings at the General Sessions of the Peace, and Abuses in suing out Writs of Certiorari.*

Passed 6th February, 1838.

**I. BE** it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all writs of certiorari for the removal of any indictment or presentment, or any judgment or order, out of any court of general sessions of the peace, shall be delivered at the sessions of the peace, in open court.

**II. And be it further enacted by the authority aforesaid,** That in term time, no writ of certiorari whatsoever, at the prosecution of any party indicted or presented, be hereafter granted, awarded or directed, out of the supreme court, to remove any indictment or presentment, of or for any treipals, riot, forcible entry, assault and battery, fraud, nuisance, contempt or misdemeanor whatsoever, before trial had, from before any justices in their courts of general sessions of the peace, unless such certiorari shall be granted or awarded upon motion of counsel, by rule of court, made for the granting thereof, before the justice or justices of the supreme court, sitting in open court; and that all the parties indicted, prosecuting such

Parties prosecuting such writs, to find sureties to appear and prosecute.

certiorari, before the allowance thereof, shall find two sufficient sureties, who shall enter into a recognizance to the people of the state of New-York, before one of the justices of the supreme court, or before one or more justices of the peace of the county or place, or before the justices at their general sessions of the peace of the county or place, where such indictment or presentment shall be found or made, in the sum of fifty pounds: With condition, That the party or parties so indicted or presented, and prosecuting such certiorari, shall, at the return of such writ, appear and plead to the said indictment or presentment in the said supreme court, and at his, her or their own costs and charges, cause and procure the issue that shall be joined upon the said indictment or presentment, or any plea relating thereto, to be tried at the next circuit court, to be held for the county wherein the said indictment or presentment was found or made, after such certiorari shall be returnable, if not in the county where the said supreme court shall sit, and if in such county, then to

cause or procure it to be tried the next term after such certiorari shall be granted, if the said supreme court shall not appoint any other time for the trial thereof, and if any other time shall be appointed by the said supreme court, then at such other time, and shall give due notice of such trial to the prosecutor or his attorney, and shall appear, from day to day, in the said supreme court, and not depart until he, she or they shall be discharged by the said court. And moreover, That in any of the vacations, writs of certiorari may be granted by any of the justices of the supreme court, whose name shall be endorsed on the said writ, and also the name of such person at whose instance the same is granted; and that the party or parties indicted or presented; prosecuting such certiorari, shall, before the allowance of such writ or writs of certiorari, find such sureties, in such sum, and with such conditions as are before mentioned and specified. And further, That every recognizance taken as aforesaid, shall be delivered to the court or justices to whom the certiorari is directed, together with the said writ; and the recognizance so taken as aforesaid, shall be certified into the said supreme court, with the said certiorari and indictment or presentment, and there filed, and the name of the prosecutor, if he be the party grieved or injured, or some public officer, shall be endorsed on the back of the said indictment or presentment; and if the person prosecuting such certiorari, being the defendant, shall not, before allowance thereof, procure such sureties to be bounden in a recognizance as aforesaid, the justices of the peace may and shall proceed to trial of the said indictment or presentment, at the said general sessions of the peace, notwithstanding such writ of certiorari so delivered.

III. *And be it further enacted by the authority aforesaid,* That if the defendant prosecuting such writ of certiorari, be convicted of the offence for which he was indicted or presented, that then the said supreme court shall give reasonable costs to the prosecutor, if he be the party grieved or injured, or be a justice of the peace, mayor, recorder, alderman, constable or overseer of the poor, or any other civil officer, who shall prosecute upon the account of any fact committed or done, or any thing omitted that concerned him or them as officer or officers, to prosecute or present; which costs shall be taxed according to the course of the said supreme court; and that the prosecutor for the recovery of the said costs, shall, at any time after the expiration of ten days after demand made of the defendant, and refusal or neglect of payment, proof thereof being made on oath, have an attachment granted against the said defendant by the said court, for such his contempt; and that the said recognizance shall not be discharged until the costs so taxed shall be paid.

IV. And whereas in many cases where justices of the peace are empowered by law to give or make judgments or orders, writs of certiorari have been procured to remove such judgments or orders into the supreme court, in the hope thereby to discourage and weary out the parties concerned in such judgments or orders, by great delays and expences: For remedy whereof, *Be it further enacted by the authority aforesaid,* That no certiorari shall be allowed to remove any such judgment or order from before any justice or justices of the peace, or general sessions of the peace, other than judgments given or to be given in suits or actions for debts or demands, between party and party, made or to be made cognizable before justices of the peace, or any of them, unless the party or

On conviction of the defendant prosecuting such writ, the prosecutor, if the party grieved, or an officer, to have costs.

No judgment or order to be removed by certiorari from before a justice, or the sessions, without sureties given to prosecute.

parties prosecuting such certiorari, before the allowance thereof, shall find sufficient sureties, who shall enter into a recognizance to the people of the state of New-York, before one of the justices of the supreme court, or before one or more justices of the peace of the county or place, or before the justices at their general sessions of the peace of the county or place, where such judgment or order shall have been given or made, in the sum of fifty pounds: With condition, That the party or parties prosecuting such certiorari, shall prosecute the same, at his, her or their own costs and charges, to effect, without any wilful or affected delay, and perform such judgment or order, as the same supreme court shall give or make against him or them in the premises, and pay the party or parties in whose favour or for whose benefit such judgment or order so to be removed was given or made, within one month after the said judgment or order shall be confirmed, his, her or their full costs and charges, to be taxed according to the course of the said supreme court; and in case the party or parties prosecuting such certiorari shall not procure such sureties, to be bound in such recognizance as aforesaid, it shall and may be lawful for the said justice or justices, or court of general sessions of the peace, to proceed and make such further order or orders, for the benefit of the party or parties for whom such judgment or order shall be made or given, in such manner as if no certiorari had been granted or delivered: And further, That every recognizance to be taken as aforesaid, shall be delivered, together with the writ of certiorari, to the justice or justices, or court to whom such writ shall be directed, and the said recognizance shall be certified into the said supreme court, with the said certiorari, and the judgment or order removed thereby, and there filed; and if the said judgment or order shall be confirmed by the said court, the person or persons entitled to such costs, for the recovery thereof, at any time after the expiration of ten days after demand made, of the person or persons who ought to pay the said costs, upon oath made of the making such demand, and refusal or neglect of the payment thereof, shall have an attachment against him, her or them, granted by the said court for such contempt; and the said recognizance so given upon the allowing of such certiorari, shall not be discharged until the costs shall be paid, and the judgment or order so confirmed shall be complied with and obeyed.

V. *And be it further enacted by the authority aforesaid,* That no writ of certiorari shall be hereafter granted to remove any indictment, presentment, judgment, order, recognizance or other process or proceeding, unless the same writ be signed with the proper hand of one of the justices of the supreme court, and in default thereof such writ shall be void and of none effect.

### C H A P. III.

#### *An ACT to avoid unnecessary Delays of Executions.*

Passed 6th February, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

No execution to be stayed by writ of error on judgments, for debt on bond, or for rent, or upon contract, without sureties given to prosecute and pay the debt and costs, in case of affirmance of judgment.

That no execution shall be stayed or delayed, upon or by any writ of error or superseas thereupon to be sued for the reversing of any judgment, given or to be given, in any action of debt upon any single bond for debt, or upon any obligation, with condition for the payment of money only, or upon any action of debt for rent, or upon any contract sued in any court of record in this state, unless such

person or persons in whose name or names such writ of error shall be brought, with two sufficient sureties, such as the court, wherein such judgment is or shall be given, shall allow of, shall first, before such stay made, or superseas awarded, be bound unto the party for whom any such judgment is or shall be given, by recognizance, to be acknowledged in the same court, in double the sum adjudged to be recovered by the said former judgment, to prosecute the said writ of error with effect, and also to satisfy and pay, if the said judgment shall be affirmed, all and singular the debts, damages and costs, adjudged or to be adjudged upon the former judgment, and all costs and damages to be awarded for the delay of execution. And further, That no execution shall be stayed or delayed in any of the courts aforesaid, by any writ or writs of error, or superseas thereupon, after any verdict and judgment thereupon obtained, in any personal action whatsoever, unless such recognizance, and in such manner as is above directed, shall be first acknowledged in the said court where such judgment is or shall be given.

II. *And be it further enacted by the authority aforesaid,* That in writs of error to be brought upon any judgment after verdict, in any writ of dower, or in any action of ejectment, no execution shall be thereupon or hereby stayed, unless the plaintiff or plaintiffs in such writ of error, shall be bound unto the plaintiff in such writ of dower, or action of ejectment, in such reasonable sum, as the courts to which such writ of error shall be directed, shall think: With condition, That if the judgment shall be affirmed in the said writ of error, or if the said writ of error be discontinued in default of the plaintiff or plaintiffs therein, or if the said plaintiff or plaintiffs be nonsuit in such writ of error, that then the said plaintiff or plaintiffs shall pay such costs, damages, and sum and sums of money, as shall be awarded upon or after such judgment affirmed, discontinuance or nonsuit. And to the end that the same sum and sums of money, and damages may be ascertained, the court wherein such execution ought to be granted, upon such affirmation, discontinuance or nonsuit, shall issue a writ to enquire as well of the mesne profits, as of the damages, by any waste committed after the first judgment in dower, or in ejectment; and upon the return thereof, judgment shall be given, and execution awarded for such mesne profits and damages, and also for the costs of suit. Provided always, that this act, or any thing therein contained, shall not extend to any writ of error to be brought by any executor or administrator, nor to any action popular, nor to any action upon any penal statute, nor to any indictment, presentment, inquisition, information or appeal.

#### C H A P. IV.

*An ACT for giving further Remedy by Action of Account.*

Passed 6th February, 1788.

**L** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That where any person is or shall be bound or liable to account, as guardian, bailiff, receiver or otherwise, to any other, and will not give account willingly, and the party to whom such account ought to be made, shall sue out a writ of account, if the person against whom such writ is issued, being summoned, do not appear at the return of the writ, or if it be returned, that the defendant hath nothing, then the defendant shall be attached by his or her body, to come and make his or her account; and if it be returned, that

the defendant cannot be found, the process may be pursued to the exigent and outlawry thereupon; and when such accountant shall appear in court, and submit, or be adjudged to account, auditors shall be assigned to take his or her account; and if he or she shall be found in arrears, and cannot pay the arrears, and the costs of suit forthwith, he or she shall be committed to gaol, there to be kept, under safe custody, living at his or her own costs, until he or she shall have fully satisfied such arrears, with the costs of suit. And if such accountant shall neglect or refuse to account before the auditors, he or she shall be committed to gaol, there to be kept as aforesaid, until he or she shall satisfy the plaintiff of his or her demand, with costs as aforesaid. And further, That if it shall be found, that there is a surplussage due on such account, from the plaintiff to the defendant, then the defendant shall have judgment to recover such surplussage, with costs of suit, against the plaintiff, unless where the suit is brought by executors or administrators, in right of their testator or intestate; in which case the defendant shall not recover costs against them: And the defendant shall or may have such execution for the same, as he or she might have had, if he or she had recovered such surplussage by action of debt. And moreover, If any sheriff or gaoler shall suffer any such prisoner to go out of prison, without the assent of the plaintiff, he shall be answerable to the plaintiff for the debt or damages done to him or her by such accountant, according as it may be found by the country; and the party at whose suit such prisoner was committed, shall have his or her recovery, by action of debt, or by bill or plaint, in any court of record.

II. *And be it further enacted by the authority aforesaid,* That actions of account shall and may be brought and maintained by one joint-tenant, or tenant in common, his or her executors or administrators, against the other, as bailiff, for receiving more than comes to his or her just share or proportion, and against the executors or administrators of such joint-tenant or tenant in common.

III. *And be it further enacted by the authority aforesaid,* That the auditors appointed by the court where any action of account shall be depending, shall be, and hereby are empowered to administer an oath, and to examine the parties, on oath, touching the matters in question; and for their pains and trouble in auditing and taking such account, shall have such allowance as the court shall adjudge to be reasonable, to be paid by the party in whose favour the balance shall be found, and to be allowed to him or her, in the costs to be taxed against the opposite party, where costs are recoverable.

## CHAPTER V.

*An ACT to prevent Abuses and Delays in Actions of Replevin.*

Passed 6th February, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That if the beasts, or goods, or chattels of any person, at any time hereafter, be taken and wrongfully detained, the sheriff, by a writ of replevin to be issued out of the chancery, or upon complaint thereof to him to be made without writ, shall cause the same beasts, or goods, or chattels, to be replevied, and delivered, without let or gainfaying of the person who took them, whether they were taken within liberties or without, and shall summon the person who took them, to appear, if the suit be by writ, at the return there-

person or persons in whose name or names such writ of error shall be brought, with two sufficient sureties, such as the court, wherein such judgment is or shall be given, shall allow of, shall first, before such stay made, or superseas awarded, be bound unto the party for whom any such judgment is or shall be given, by recognizance, to be acknowledged in the same court, in double the sum adjudged to be recovered by the said former judgment, to prosecute the said writ of error with effect, and also to satisfy and pay, if the said judgment shall be affirmed, all and singular the debts, damages and costs, adjudged or to be adjudged upon the former judgment, and all costs and damages to be awarded for the delay of execution. And further, That no execution shall be stayed or delayed in any of the courts aforesaid, by any writ or writs of error, or superseas thereupon, after any verdict and judgment thereupon obtained, in any personal action whatsoever, unless such recognizance, and in such manner as is above directed, shall be first acknowledged in the said court where such judgment is or shall be given.

II. *And be it further enacted by the authority aforesaid,* That in writs of error to be brought upon any judgment after verdict, in any writ of dower, or in any action of ejectment, no execution shall be thereupon or hereby stayed, unless the plaintiff or plaintiffs in such writ of error, shall be bound unto the plaintiff in such writ of dower, or action of ejectment, in such reasonable sum, as the courts to which such writ of error shall be directed, shall think: With condition, That if the judgment shall be affirmed in the said writ of error, or if the said writ of error be discontinued in default of the plaintiff or plaintiffs therein, or if the said plaintiff or plaintiffs be nonsuit in such writ of error, that then the said plaintiff or plaintiffs shall pay such costs, damages, and sum and sums of money, as shall be awarded upon or after such judgment affirmed, discontinuance or nonsuit. And to the end that the same sum and sums of money, and damages may be ascertained, the court wherein such execution ought to be granted, upon such affirmation, discontinuance or nonsuit, shall issue a writ to enquire as well of the mesne profits, as of the damages, by any waste committed after the first judgment in dower, or in ejectment; and upon the return thereof, judgment shall be given, and execution awarded for such mesne profits and damages, and also for the costs of suit. Provided always, that this act, or any thing therein contained, shall not extend to any writ of error to be brought by any executor or administrator, nor to any action popular, nor to any action upon any penal statute, nor to any indictment, presentment, inquisition, information or appeal.

#### C H A P. IV.

*An ACT for giving further Remedy by Action of Account.*

Passed 6th February, 1788.

**L** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That where any person is or shall be bound or liable to account, as guardian, bailiff, receiver or otherwise, to any other, and will not give account willingly, and the party to whom such account ought to be made, shall sue out a writ of account, if the person against whom such writ is issued, being summoned, do not appear at the return of the writ, or if it be returned, that the defendant hath nothing, then the defendant shall be attached by his or her body, to come and make his or her account; and if it be returned, that

the defendant cannot be found, the process may be pursued to the exigent and outlawry thereupon; and when such accountant shall appear in court, and submit, or be adjudged to account, auditors shall be assigned to take his or her account; and if he or she shall be found in arrears, and cannot pay the arrears, and the costs of suit forthwith, he or she shall be committed to gaol, there to be kept, under safe custody, living at his or her own costs, until he or she shall have fully satisfied such arrears, with the costs of suit. And if such accountant shall neglect or refuse to account before the auditors, he or she shall be committed to gaol, there to be kept as aforesaid, until he or she shall satisfy the plaintiff of his or her demand, with costs as aforesaid. And further, That if it shall be found, that there is a surplusage due on such account, from the plaintiff to the defendant, then the defendant shall have judgment to recover such surplusage, with costs of suit, against the plaintiff, unless where the suit is brought by executors or administrators, in right of their testator or intestate; in which case the defendant shall not recover costs against them: And the defendant shall or may have such execution for the same, as he or she might have had, if he or she had recovered such surplusage by action of debt. And moreover, If any sheriff or gaoler shall suffer any such prisoner to go out of prison, without the assent of the plaintiff, he shall be answerable to the plaintiff for the debt or damages done to him or her by such accountant, according as it may be found by the country; and the party at whose suit such prisoner was committed, shall have his or her recovery, by action of debt, or by bill or plaint, in any court of record.

II. *And be it further enacted by the authority aforesaid,* That actions of account shall and may be brought and maintained by one joint-tenant, or tenant in common, his or her executors or administrators, against the other, as bailiff, for receiving more than comes to his or her just share or proportion, and against the executors or administrators of such joint-tenant or tenant in common.

III. *And be it further enacted by the authority aforesaid,* That the auditors appointed by the court where any action of account shall be depending, shall be, and hereby are empowered to administer an oath, and to examine the parties, on oath, touching the matters in question; and for their pains and trouble in auditing and taking such account, shall have such allowance as the court shall adjudge to be reasonable, to be paid by the party in whose favour the balance shall be found, and to be allowed to him or her, in the costs to be taxed against the opposite party, where costs are recoverable.

# C H A P. V.

*An ACT to prevent Abuses and Delays in Actions of Replevin.*

Passed 6th February, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That if the beasts, or goods, or chattels of any person, at any time hereafter, be taken and wrongfully detained, the sheriff, by a writ of replevin to be issued out of the chancery, or upon complaint thereof to him to be made without writ, shall cause the same beasts, or goods, or chattels, to be replevied, and delivered, without let or gainsaying of the person who took them, whether they were taken within liberties or without, and shall summon the person who took them, to appear, if the suit be by writ, at the return there-

VII. *And be it further enacted by the authority aforesaid,* That no distress of beasts shall be driven out of the town, manor, district, or precinct, where such distress is or shall be taken, except that it be to a pound-overt, within the same county, not above three miles distant from the place where the said distress shall be taken; and that no beasts, or goods or chattels, distrained or taken by way of distress, for any cause whatsoever, at one time, shall be impounded in several places, whereby the owner or owners of such distress, shall be constrained to sue several replevins for the delivery of the said distress, so taken at one time, upon pain that every person offending therein, shall, for every such offence, forfeit to the party grieved, ten pounds, and treble damages; to be recovered in any court of record, by action of debt, bill, plaint or information.

Beasts distrained, not to be driven out of the county.

Not impounded in different places.

VIII. *And be it further enacted by the authority aforesaid,* That every sheriff shall, in every replevin of a distress for rent, the sheriff to take a bond of plaintiff, sureties, a bond in double the value of the beasts, or goods or chattels distrained (such value to be ascertained by the oath of one or more witnesses not interested, and which oath such sheriff is hereby authorized to administer) and conditioned for prosecuting the suit with effect, and without delay, and for returning the beasts, or goods and chattels, in case a return shall be awarded, before any deliverance be made of the distress; and the sheriff shall, at the request and costs of the defendant, avowant, or person making cognizance, assign such bond to the defendant, avowant, or person making cognizance, by endorsing the same, and attesting it under his hand, in the presence of two witnesses; and if the bond be forfeited, the defendant, avowant, or person making cognizance, may bring an action thereupon, in his or her own name; and the court may, by rule, give such relief to the parties upon such bond, as shall be agreeable to justice; and such rule shall have the nature and effect of a defeazance to such bond.

IX. *And be it further enacted by the authority aforesaid,* That wheresoever any lands, tenements or hereditaments, are or shall be held by any person or persons, by rents, customs or services, if the person of whom any such lands, tenements or hereditaments, are or shall be held, shall distrain upon the same lands or tenements, for any such rents, customs or services, and replevin thereof be sued, the person of whom the same lands, tenements or hereditaments, are or shall be so holden, may avow, or his or her bailiff, or servant make cognizance or justify for taking the said distress, upon the same lands, tenements or hereditaments, so holden as in lands or tenements within his or her fee, alledging in the said avowry, cognizance and justification, the same lands and tenements to be holden of him or her, without naming any person certain to be tenant of the same, and without making any avowry, cognizance or justification upon any certain person. And that the distrainer, or his or her bailiff or servant, may make avowry, cognizance or justification, in like manner and form, upon every writ of second deliverance.

Plaintiff and defendants in replevin, or in writs of second deliverance, to have like pleas and aid-prayers as at common law.

X. *And be it further enacted by the authority aforesaid,* That the plaintiffs and defendants in all writs or plaints of replevin, or writs of second deliverance, and in every of them, shall and may have like pleas, and like aid-prayers in all such avowries, cognizances and justifications (pleas of disclaimer only excepted) as they might have had before the making of



making of this act, and as though the said avowry, cognizance or justification, had been made after the due order of the common law; and that all such persons, as, by the common law, may lawfully join to the plaintiffs or defendants in the said writs or complaints of replevin, or second deliverance, as well without process as by process, shall or may, from henceforth, join unto the said plaintiffs or defendants, as well without process as by process, and have like pleas, and like advantages in all things (pleas of disclaimer only excepted) as they might have done by the order of the common law, before the making of this act.

*XL. And be it further enacted by the authority aforesaid,*

*If plaintiff in replevin is nonsuit before issue joined, the defendant may make avowry, if the distress was for rent, and have a writ of inquiry, &c.*

That whensoever any plaintiff in replevin shall be nonsuit, before issue joined in any suit of replevin, by plaint or writ lawfully returned, removed or depending in any court of record, the defendant, if the distress was made for rent, making a suggestion in nature of an avowry or cognizance for such rent, to ascertain the court of the cause of distress, the court, upon his or her prayer, instead of awarding a return of the distress, shall award a writ to the sheriff of the county where the distress was taken, to enquire, by the oath of twelve good and lawful men of his bailiwick, touching the sum in arrear at the time of such distress taken, and the value of the beasts, or goods and chattels distrained; and thereupon fifteen days notice shall be given to the plaintiff, or his or her attorney, in court, of the setting of such enquiry; and thereupon the sheriff shall enquire of the truth of the matters contained in such writ, by the oath of twelve good and lawful men of his county; and upon the return of such inquisition, the defendant shall have judgment to recover against the plaintiff the arrearages of such rent, in case the beasts, goods and chattels distrained, shall amount unto that value; and in case they shall not amount to that value, then so much as the value of the said beasts, goods and chattels so distrained, shall amount unto, together with his or her full costs of suit, and shall have execution thereupon for the same, by *capias ad satisfaciendum*, *feri facias*, or otherwise, as the law shall require; and in case such plaintiff shall be nonsuit after avowry or cognizance made, and issue joined, or if the verdict shall be given against such plaintiff, then the jurors impanelled, or returned to enquire of such issue, shall, at the prayer of the defendant, enquire concerning the sum of the arrears, and the value of the beasts, or goods and chattels distrained; and thereupon the avowant, or the person who makes cognizance, shall have judgment for such arrearages, or so much thereof as the beasts, goods and chattels distrained, amount unto, together with his or her full costs, and shall have like execution for the same as aforesaid. And further, That if judgment be given upon demurrer for the avowant, or the person who makes cognizance for any rent, the court, instead of awarding a return of the distress, shall, at the prayer of the defendant, award a writ to enquire of the value of such distress, and upon the return thereof, judgment shall be given for the avowant, or person who makes cognizance as aforesaid, for the arrears alleged to be behind in such avowry or cognizance, if the beasts, or goods and chattels so distrained, shall amount to that value; and in case they shall not amount to that value, then for so much as the said beasts, or goods and chattels so distrained, amount unto; together with his or her full costs of suit, and shall have like execution for the same as aforesaid. Provided always, That where the value of the beasts, goods and chattels distrained as aforesaid, shall not be found to be of the full value of the arrears distrained for, the party to whom such arrears,

were due, his or her executors or administrators, may, from time to time, distrain again for the residue of the said arrears.

XII. *And be it further enacted and declared by the authority aforesaid,* That no replevin shall lie in any case of distress for any tax, assessment or fine, to be collected or levied in pursuance of any law of this state; and if any person or persons shall hereafter sue out or prosecute a replevin in any such case, he, she or they, shall forfeit the sum of fifty pounds, to be recovered, with costs of suit, in any court of record within this state, by action of debt, bill, plaint or information; the one moiety to any person who shall sue for the same, and the other moiety to the people of this state.

XIII. *And be it further enacted by the authority aforesaid,* That the act, entitled, An act to prevent the abuse of writs and plaints in replevin; and an act, entitled, An act to prevent delays by writs of replevin in cases of distress for taxes, assessments or fines, shall be, and hereby are repealed.

## C H A P. VI.

### *An ACT to prevent forcible Entries and Detainers.*

Passed 6th February, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That no person or persons shall hereafter make any entry into any lands, tenements or other possessions, but in cases where entry is given by the law, and in such case, not with strong hand, nor with multitude of people, but only in peaceable and easy manner; and if any person from henceforth do to the contrary, and thereof be duly convicted, he shall be punished by fine and imprisonment. And further, That at all times when such forcible entry shall be made, and complaint thereof cometh to the justices of the peace of the same county, or to any of them, the same justices or justice shall take sufficient power of the county, and go to the place where such force is made, and if they find any that hold such place forcibly, after such entry made, the same justices or justice shall record such force, and set and impose a fine, not exceeding five pounds, upon every of the said offenders, to be paid by them for their said offences, to the people of this state, and cause every of them so holding by force, to be taken and put into the next gaol of the same county, there to abide convict, by the record of the same justices or justice, until they shall have respectively paid such fine to the people of this state. And further,

All persons to assist the justices, in arresting the offenders.

That all the people of the county, as well the sheriffs as others, shall be attendant upon the justices, to go and assist the same justices to arrest such offenders, upon pain of fine and imprisonment.

II. And to the end that the party aggrieved, where any person shall make any such entry by force, or shall enter in peaceable manner, and after hold by force, may have restitution; *Be it further enacted by the authority aforesaid,*

Justices to remove the force, &c.

That where any person doth make any forcible entry into any lands, tenements or other possessions, or them hold forcible, after complaint thereof made within the same county where such entry is made, to the justices of the peace of the same county, or to any one of them, by the party grieved; the same justices or justice, so warned, within a convenient time, shall go to the place where such force is made, taking

the power of the county with him or them, if need be, and remove such force, if any there be; and shall, at the costs of the party grieved, cause this act to be duly executed; and whether the persons making such entries be present, or departed before the coming of the same justices or justice, the same justices or justice, in some good town in the same county next to the tenements so entered, or in some other convenient place, according to their discretion, shall have, and either of them shall have authority and power to enquire, by the people of the same county, as well of them that make such forcible entries into lands or tenements, as of them which the same hold with force; and if it be found before any of them, that any doth contrary to this statute, then the said justices or justice shall cause the lands and tenements so entered or holden as aforesaid, to be resealed, and shall put the party, so put out, in full possession of the same lands and tenements so entered or holden as aforesaid. And if any person, after such entry into lands or tenements holden with force, make a feoffment, or other discontinuance to any person, to have maintenance, or to take away and defraud the possessor of his recovery in any wife, if after, in assise or other action thereof to be taken or pursued, in any court of record, by due enquiry thereof to be taken, the same feoffments and discontinuances be duly proved to be made for maintenance as aforesaid; then such feoffments, or other discontinuances, so as before made, shall be void, frustrate, and holden for none.

III. *And be it further enacted by the authority aforesaid,*  
Justices to issue a precept to the sheriff; to summon a jury to enquire of the force, &c. That when the said justices or justice make such enquiries as aforesaid, they or one of them shall make a warrant or precept, to be directed to the sheriff of the same county,

commanding him, in the name of the people of the state of New-York, to cause to come before the same justices or justice, at a certain time and place, therein to be specified, not less than two days from the time of issuing thereof, twenty-four good and lawful men of the same county, duly qualified to serve as jurors in such county, on trials in the supreme court, to enquire of such entries; and shall, at the time of making such warrant or precept, cause a notice in writing, of the issuing thereof, and of the time and place of the return thereof, to be affixed up in some public and suitable place, upon the lands or tenements so entered or holden, or delivered to the party against whom such complaint is made, if such party be on the premises. And further, That the sheriff shall return issues upon every one of the jurors, at the day of the return of the first precept, twenty shillings, and at every day after, the double. And if any person who shall be indicted upon this act, before such justices or justice, shall immediately traverse such indictment, then the same justices or justice shall make a warrant or precept, to be directed to the sheriff of the same county, commanding him, in the name of the people of the state of New-York, to cause to come before such justices or justice, at a certain day, not less than four, nor more than eight days from the time of issuing such precept, and at a certain place therein to be specified, twelve good and lawful men of the same county, who shall be such as are or shall be qualified to serve as jurors as aforesaid, to try the same traverse, and the sheriff shall return issues upon every of them in the manner aforesaid. And if any sheriff be slack, and make not execution duly of such precept to him directed, to make such enquiries, or try such traverse, he shall forfeit twenty pounds for every default, to the party grieved; to be recovered, with costs of suit, in any court of record in the same county where the offence shall be committed, by action of debt, bill, plaint or information.

No restitution to be made, if defendant or his ancestors has been in possession three years.

IV. *And be it further enacted by the authority aforesaid,* That no restitution upon any indictment of forcible entry, or holding with force, be made to any person or persons, if the person or persons so indicted, or his or their ancestors, or those whose estate they have in such lands and tenements, hath or have had the occupation, or hath or have been in quiet possession, by the space of three whole years together, next before the day of such indictment so found, and his, her or their estate or estates therein not ended or determined, which the party indicted shall and may alledge for stay of restitution, and restitution to stay until that be tried, if the party complaining will deny or traverse the same; and then the justices or justice, before whom such indictment shall be found, shall proceed to try the same in the manner herein before directed.

V. *And be it further enacted by the authority aforesaid,* That if the allegation or traverse, taken or made by the person or persons indicted, be tried against the person or persons so indicted, either before the same justices or justice, or before the justices of the supreme court, or either of them, in case the proceedings be removed into the supreme court before such trial, then, and in every such case, restitution shall be awarded by the justices or justice before whom the same shall be tried, or by the supreme court, in the same manner as if no plea or traverse had been made or put in by such persons so indicted; and the person or persons so convicted, shall pay such costs and damages to the party complaining, as shall be assessed by the justices or justice before whom the same is tried, or by the supreme court, if the proceedings shall be removed into the supreme court before such trial as aforesaid; the same costs and damages to be recovered and levied in the same manner, as costs and damages upon judgments in other actions are recovered.

VI. *And be it further enacted by the authority aforesaid,* That this act shall extend as well to tenants for years and guardians, as to such as have estates of freehold.

VII. *And be it further enacted by the authority aforesaid,* That if any person be disseised or ejected, or put out of any lands or tenements in forcible manner, or put out peaceably, and after holding out with strong hand, or after such entry any seoffment or discontinuance in any wise thereof be made to defraud and take away the right of the possessor, the party grieved in this behalf shall have assise of novel disseisin, or a writ of trespass against such offenders; and if the party aggrieved recover by assise, or by action of trespass, and it be found by verdict, or in any other manner by due course of law, that the party defendant entered with force into the lands and tenements, or them, after his entry did hold with force, the plaintiff shall recover his treble damages, with costs of suit, against the defendant.

VIII. *And be it further enacted by the authority aforesaid,* That all mayors, recorders, justices of the peace and aldermen, and sheriffs of cities, shall have, in the same cities, the like power to remove such entries, and in the other articles aforesaid, arising within the same, as the justices of the peace and sheriffs have, by this act, in the several counties of this state.

Mayors, recorders, justices, aldermen and sheriffs of cities, to execute this act.

## C H A P. VII.

*An ACT to enable Grantees of Reversions to take Advantage of the Conditions to be performed by Lessees.*

Passed 6th February, 1788.

**I** **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That as well all and every person and persons, and bodies politic and corporate, their heirs, successors and assigns, which have, or shall have any gift or grant of the people of the state of New-York, by any ways or means howsoever, of any manors, lands, tenements, rents or other hereditaments, or of any reversion or reversions of the same, which did belong or appertain to any other person or persons, and have or shall, by any ways or means, come to the people of the state of New-York; as also, all other persons being grantees, or assignees, to or by the people of the state of New-York, or to or by any other person or persons, and the heirs, executors, successors and assigns of every of them, shall and may have and enjoy like advantages against the lessees, their executors, administrators and assigns, by entry for the non-payment of the rent, or for doing of waste or other forfeiture: And also, Shall and may have and enjoy all and every such like and the same advantage, benefit and remedies, by action only, for not performing other conditions, covenants or agreements, contained and expressed in their leases, demises or grants, against all and every the said lessees and termers, and grantees, their executors, administrators and assigns, as the lessors and grantors themselves, or their heirs or successors ought, should or might have had and enjoyed, at any time or times, in like manner and form as if the reversion of such lands, tenements or hereditaments had remained and continued in the same lessors or grantors, or in their heirs or successors.

**II.** *And be it further enacted by the authority aforesaid,* That all termers, lessees, and grantees of manors, lands, tenements, rents, or any other hereditaments, for term of years, or life or lives, their executors, administrators and assigns, shall and may have like action, advantage and remedy, against all and every person and persons, and bodies politic and corporate, their heirs, successors and assigns, which have or shall have any gift or grant of the people of the state of New-York, or of any other person or persons of the reversion of the same manors, lands, tenements, rents or hereditaments, so letten, or any parcel thereof, for any condition, covenant or agreement, contained or expressed in their lease or leases, as the same lessees or any of them might and should have had against their lessors and grantors, their heirs or successors; all benefits and advantages of recoveries in value, by reason of any warranty in deed or in law, by voucher or otherwise, only excepted.

## C H A P. VIII.

*An ACT to compel Joint Tenants, and Tenants in Common to make Partition, and for the more easy obtaining Partition of Lands in Coparcenary, Joint Tenancy and Tenancy in Common.*

Passed 6th February, 1788.

**I** **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all joint-tenants, and tenants in common, that now be, or hereafter shall be, of any estate or estates of inheritance in their own rights or in the right of their wives, of any manors, lands, tenements or hereditaments within this

state, shall and may be compelled, by virtue of this act, to make partition between them, of all such manors, lands, tenements and hereditaments, as they now hold, or hereafter shall hold, as joint tenants or tenants in common, by writ of partition in that case to be devised, in the court of chancery, in like manner and form as coparceners, by the common law have been, and are compelled to do, and the same writ to be pursued at the common law; but that every of the said joint-tenants or tenants in common, and their heirs, after such partition made, shall and may have aid of the other, or of his, her or their heirs, to the intent to dereign the warranty paramount, and to recover for the rate as is used between coparceners, after partition made, by the order of the common law.

II. *And be it further enacted by the authority aforesaid,*

Joint tenants or tenants in common for life or years, or with others having estates of inheritance, compellable to make partition.

That all joint-tenants, and tenants in common, and every of them, who now hold or hereafter shall hold, jointly or in common, for term of life or lives, year or years, and joint-tenants or tenants in common, where one or some of them have or shall have estate or estates, for term of life or lives, or year or years, with the other or others, that have or shall have estate or estates of inheritance, or freehold in any manors, lands, tenements or hereditaments, shall and may be compellable from henceforth, by writ of partition out of the court of chancery, upon his, her or their case or cases, and to be pursued at the common law, to make severance and partition of all such manors, lands, tenements and hereditaments, which they hold jointly or in common, for term of life or lives, year or years, or where one or some of them hold jointly or in common, for term of life or lives, year or years, with another or others, that have an estate or estates of inheritance or freehold. But that no such partition or severance hereafter to be made by force of this clause of this act, be, nor shall be prejudicial or hurtful to any person or persons, their heirs or successors, other than such as be parties unto the said partition, their executors or assigns.

III. *And be it further enacted by the authority aforesaid,*

Manner of proceeding in partition.

That after process of pone, or attachment returned upon any writ of partition, between coparceners at the common law, or custom, or between joint-tenants or tenants in common, by virtue of this act, affidavit being made by any credible person, of due notice given of the said writ of partition to the tenant or tenants to the action, and a copy thereof left with the occupier or tenant or tenants, or if they cannot be found, to the wife, son or daughter (being of the age of one and twenty years or upwards) of the tenant or tenants, or to the tenant in actual possession, by virtue of any estate of freehold, or for term of years, or uncertain interest, or at will, of the manors, lands, tenements or hereditaments, whereof the partition is demanded (unless the said tenant in actual possession be demandant in the action) at least forty days before the day of the return of the said pone, or attachment, if the tenant or tenants to such writ, or any of them, or the true tenant to the messuages, lands, tenements and hereditaments, as aforesaid, shall not in such case, within fifteen days after return of such writ of pone or attachment, cause an appearance to be entered in such court where such writ of pone or attachment shall be returnable, then, in default of such appearance, the demandant having entered his declaration, the court may proceed to examine the demandant's title, and quantity of his part and purpart, and accordingly as they shall find his right, part and purpart to be, they shall for so much, give judgment by default,

and award a writ to make partition, whereby such proportion, part and purpart may be set out severally; which writ being executed, after eight days notice given to the occupier, or tenant or tenants, of the premises, and returned, and thereupon final judgment entered, the same shall be good, and conclude all persons whatsoever, after notice as aforesaid, whatever right or title they have or may at any time claim to have, in any of the manors, messuages, lands, tenements and hereditaments, mentioned in the said judgment and writ of partition, although all persons concerned are not named in any of the proceedings, nor the title of the tenants truly set forth. Provided always, that if such tenant or person concerned, or either of them, against whom, or their right or title, such judgment by default is given, shall, within the space of one year after the first judgment entered, or in case of infancy, coverture, insane memory, or absence out of the state, within one year after his, her or their return, or the determination of such inability, apply themselves to the court where such judgment is entered, by motion, and shew good and probable matter in bar of such partition, or that the demandant hath not title to so much as he hath recovered; then, in such case, the court may suspend or set aside such judgment, and admit the tenant and tenants to appear and plead, and the cause shall proceed according to due course of law, as if no such judgment had been given; and if the court upon hearing thereof, shall adjudge for the first demandant, then the said first judgment shall stand confirmed, and be good against all persons whatsoever, except such other persons as shall be absent or disabled as aforesaid; and the person or persons so applying, shall be awarded thereupon, to pay costs; or if, within such time or times aforesaid, the tenants or persons concerned, admitting the demandant's title, parts and purparts, shall shew to the court an inequality in the partition, the court may award a new partition, to be made in the presence of all parties concerned, if they will appear, notwithstanding the return and filing upon record of the former; which said second partition, returned and filed, shall be good and firm forever against all persons whatsoever, except as before excepted.

IV. *And be it further enacted by the authority aforesaid,* That no plea in abatement shall be admitted or received in any suit for partition; nor shall the same be abated by reason of the death of any tenant.

V. *And be it further enacted by the authority aforesaid,* That when the sheriff, by reason of distance, infirmity, or any other hindrance, cannot conveniently be present at the execution of any judgment in partition, in such case

the under sheriff in the presence of two justices of the peace of the county where the lands, tenements or hereditaments to be divided, do lie, shall and may proceed to the execution of any writ of partition, by inquisition in due form of law, as if the sheriff were then personally present; and the sheriff thereupon shall, and is hereby enabled and required, to make the same return as if he were personally present at such execution; and in case such partition be made, returned and filed, he or they that were tenant or tenants of any of the said messuages, lands, tenements and hereditaments, or of any part or purpart thereof, before they were divided, shall be tenant or tenants for such part set out severally to the respective landlords or owners thereof, by and under the same conditions, rents, covenants and reservations, where they are or shall be so divided; and the landlords and owners of the several parts and purparts so divided and allotted as aforesaid, shall warrant and make good, to the respective tenants, the said several

How the under sheriff to execute a writ of partition in the absence of the sheriff, &c.

parts severally, after such partition, as they are or were bound to do, by any agreement, lease or grants of their respective parts, before any partition made; and in case any demandant be tenant in actual possession to the tenant to the action, for his part and proportion or any part thereof, in the messuages, lands, tenements and hereditaments, to be divided by virtue of a writ of partition as aforesaid, for any term of life, lives or years, or uncertain interest, the said tenant so in actual possession, shall stand and be possessed of the said purparts and proportions for the like term, and under the same conditions and covenants, when it is set out severally in pursuance of this act.

*Sheriff, under the writs, deputies and justices, to attend execution of writs of partition, or pay costs and damages, not exceeding 5l.*

VI. *And be it further enacted by the authority aforesaid,* That the respective sheriffs, their under sheriffs and deputies, and in case of sickness or disability of the sheriff, all justices of the peace within their respective counties shall give due attendance to the executing such writ of partition, unless reasonable cause be shewn to the court, upon oath, and there al-

lowed of, or otherwise be liable, every of them, to pay unto the demandant, such costs and damages as shall be awarded by the court not exceeding five pounds, for which the demandant or plaintiff may bring his action in any court having cognizance thereof, and recover the same with costs; and in case the demandant shall not agree to pay to the sheriff or under sheriff, justices and jurors, such fees as they shall respectively demand for their pains and attendance, in the execution of the same, and the returning thereof, then the court shall award what each person shall receive, having respect to the distance of the place from their respective habitations, and the time they must necessarily spend about the same, for which they may severally bring their actions as aforesaid,

## C H A P. IX.

*An ACT to redress Disorders by common Informers, and to prevent malicious Informations.*

Passed 6th February, 1788.

**L** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,*

*Informers on penal statutes, to commence their suits in person, and prosecute in person or by attorney.*

That every informer, upon any penal statute, made or to be made, shall exhibit or commence his suit in proper person, and pursue the same only by himself, or by his attorney in court, and that no person shall be admitted or received to

pursue against any person or persons, upon any penal statute, but by action of debt, bill, plaint or information, and not otherwise, nor shall have, nor use any deputy or deputies at all; and that upon every such information which shall be exhibited, a special note be made of the very day, month and year of the exhibiting thereof, into any office, or to any officer who lawfully may receive the same, without any manner of antedate thereof to be made, and that the same information shall be accounted and taken to be of record from that time forward, and not before; and that no process be sued out upon such information, until the information be exhibited in form aforesaid. And further, That upon every process to be sued out upon any such action, bill, plaint or information, to compel the appearance of any defendant, shall be endorsed, as well the name of the party who pursueth the same process, as also the title of the statute upon which the action or information, in that



behalf had or made, is grounded; and that every clerk, making process, contrary to the tenor and provision of this act, shall be liable three pounds for every such offence; the one half to the use of this state of New-York, and the other half to the party against whom any such defective process shall be awarded; to be recovered, with costs, in any court having cognizance thereof, by action of debt, bill, plaint or information.

II. *And be it further enacted by the authority aforesaid,* That in all informations to be exhibited, and in all bills, complaints and declarations, the offence to be laid in the county where it was committed, and not elsewhere. That in all informations to be exhibited, and in all bills, complaints and declarations in any action or suit, to be commenced against any person or persons, either by or on behalf of the people of the state of New-York, or by any other, or on the behalf of the people of the state of New-York, and any other, for or concerning any offence committed or to be committed against any penal statute, made or to be made, the offence shall be laid and alledged to have been committed in the county where such offence was in truth committed, and not elsewhere; and if the defendant to any such information, action or suit, pleadeth that he oweth nothing, or that he is not guilty, and the plaintiff or informer in such information, action or suit, upon evidence to the jury that shall try such issue, shall not both prove the offence laid in the said information, action or suit, and that the same offence was committed in that county, then the defendant and defendants shall be found not guilty. Provided always, That this act, or any thing herein contained, shall not extend to the laying or alledging of any offence in any declaration, bill, plaint or information, for or concerning any maintenance, champerty, buying of titles, imbracery or extortion, or for or concerning any matter of corrupt usury, or for or concerning any custom, duty or impost, upon any goods, wares or merchandize, imported or to be imported into this state; but that every such offence shall or may be laid in any county, at the pleasure of any such informers.

III. *And be it further enacted by the authority aforesaid,* That if any information, suit or action, shall be brought or exhibited against any person or persons, for any offence committed or to be committed against the form of any penal law made or to be made, either by or on behalf of the people of the state of New-York, or by any other, or on the behalf of the people of the state of New-York, and any other, it shall be lawful for such defendants to plead the general issue, that they are not guilty, or that they owe nothing, and to give such special matter in evidence to the jury that shall try the same, as if pleaded, would have been a good and sufficient matter in law to have discharged such defendant or defendants, against the said information, suit or action, and the said matter shall be as available to him or them, to all intents and purposes, as if he or they had sufficiently pleaded, set forth or alledged the same matter in bar or discharge of such information, suit or action.

IV. *And be it further enacted by the authority aforesaid,* That the like process in any action, bill, plaint, information or suit, to be commenced, sued or prosecuted upon any penal statute, made or to be made, shall be had and awarded, to all intents and purposes, as in an action of trespass with force and arms at the common law.

V. *And be it further enacted by the authority aforesaid,* That if any citizen of this state, or of any of the United States, Citizens of this state, or of the United States, Vol. II. C

sued in the supreme court, or court of exchequer, upon any penal law, may appear by attorney, without bail.

States of America, shall be sued or informed against in the supreme court, or in the court of exchequer, upon any penal law, made or to be made, where such person is bailable by law, or where by the leave or favour of the court such person may appear by attorney, then, in all and every such case, the person so impleaded or sued, shall and may, at the day and time contained in the first process, served for his or her appearance, appear by attorney of the same court where the process is returnable, to answer and defend the same, and shall not be urged to a personal appearance, or to put in bail for the answering of such suit.

*VI. And be it further enabled by the authority aforesaid,*

When the trial of any issue upon a penal statute, may be at bar.

That no jury shall be compelled to appear in the supreme court, or court of exchequer, for the trial of any issue in any action, information or suit, upon any penal statute, for any offence committed above thirty miles from the place where the same court shall sit, except in case where the attorney-general for the time being, for some reasonable cause in that behalf to be shewed, shall require the same to be tried at the bar in either of the said courts, which request shall be noted on the back of the writ of distringas thereupon awarded, to the end the sheriff, or his bailiff, may and shall signify the same to the jury that are in such case impanelled.

*VII. And be it further enabled by the authority aforesaid,*

Recovery or bar by covin, in a popular action, no plea in an action sued with good faith.

That if any person or persons shall sue with good faith, any action popular, and the defendant or defendants in the same action, plead any manner of recovery in any action popular, in bar of the said action, or else that the same defendant or defendants plead, that he or they, before that time, barred any plaintiff or plaintiffs in any such action popular, that then the plaintiff or plaintiffs, in the action taken with good faith, may aver that the said recovery in the said action popular was had by covin, or else aver, that the said plaintiff or plaintiffs so barred, was or were barred in the said action popular, by covin; and then, if after such averment, the said collusion or covin so averred, be lawfully found, the plaintiff or plaintiffs in the action sued with good faith, shall recover, according to the nature of the action, and have execution upon the same, in like manner as if no such action or recovery had been before had. And further, That in every such action popular, wherein the defendant or defendants shall be lawfully condemned, or attainted of covin or collusion as aforesaid, every such defendant shall have imprisonment of two years, by process of capias, to be sued within the year after such judgment had, or at any time after, until the said defendant or defendants shall be had and imprisoned as aforesaid, and that as well at the suit of the people of the state of New-York, as of every other that will sue in that behalf, and such process shall and may be pursued to outlawry. And moreover, no release of any common person made or to be made to any such defendant or defendants, whether before or after any action popular, or indictment of the same had or commenced, or made or pending the same action, shall be in any wise available or effectual to let, surcease or bar the said action, indictment, process or execution. Provided always, That no plaintiff or plaintiffs be, in any wise, received to aver any covin in an action popular, where the point of the same action, or else the covin or collusion, have been once tried, or lawfully found with the plaintiff or plaintiffs, or against them, by the verdict of twelve men, and not otherwise.

No informer, or plaintiff, to compound with any offender, without consent of court.

VIII. *And be it further enacted by the authority aforesaid,* That no informer or plaintiff, in any action popular, shall or may compound or agree with any person or persons, who shall offend, or shall be surmised to have offended against any penal statute, made or to be made for such offence committed, or pretended to have been committed, but after answer made in court to the information or suit in that behalf exhibited or prosecuted, nor after answer, but by the order or consent of the court in which the same information or suit is or shall be depending. And further, That if any such informer or plaintiff as aforesaid, shall willingly delay his suit, or shall discontinue or become nonsuit in the same, or shall have the trial or matter passed against him therein, by verdict or judgment of law; that then, and in every such case, the same informer or plaintiff shall yield, satisfy and pay unto the party defendant, his costs, charges and damages, to be assigned by the court in which the same suit is or shall be attempted. For the recovery whereof, every such defendant shall, immediately upon the same costs, charges and damages assigned, have his execution for the same, to be awarded unto him out of the same court in which the same shall be so assigned as aforesaid, as in other cases of execution.

IX. *And be it further enacted by the authority aforesaid,* That if any person or persons (except the clerks of the court only for making out of process otherwise than is above appointed) shall offend in suing out of process, making of composition, or other misdemeanor, contrary to the true intent and meaning of this act, or shall, by colour or pretence of process, or without process, upon colour or pretence of any matter of offence, against any penal law, make any composition or take any money, reward, or promise of reward, for himself, or to the use of any other, without the order or consent of some court of record; that then, he or they so offending, being thereof lawfully convicted, shall for ever be disabled to pursue, or be plaintiff or informer, in any suit or information upon any statute popular or penal, and shall also, for every such offence, forfeit and lose the sum of forty pounds; the one half thereof to the people of the state of New-York, and the other half to the party grieved thereby, to be recovered, with costs, in any court of record, by action of debt, bill, plaint or information; and that justices of oyer and terminer, justices of gaol delivery, and justices of the peace, in their sessions, shall have full power and authority to hear and determine all offences to be committed or done, contrary to the true intent and meaning of this act.

X. *Provided always, and be it further enacted by the authority aforesaid,* That this act shall not extend to restrain any certain person, body politic or corporate, to whom or to whose use any forfeiture, penalty or suit, is or shall be specially limited or granted, by virtue of any statute, and not generally to any person who will sue, but that every such certain person, body politic or corporate, may, in such case, sue, inform and pursue, as he or they might have done, if this act had never been made.

XI. *And to prevent malicious informations in the supreme court of judicature of this state, for trespasses, batteries and other misdemeanors; Be it further enacted by the authority aforesaid,* That the clerk of the supreme court for the time being, shall not, without express order to be given by the said court, receive or file any information, for any trespass, battery or other misdemeanor, or seal any process thereupon, before he shall have delivered to him, a recognizance from the person or persons procuring such information or informations to be exhibited, to be entered into, to the person or persons,

against whom such information or informations is or are to be exhibited, with sufficient security, in the penalty of twenty pounds, that he, she or they will effectually prosecute such information or informations, and abide by and observe such orders as the said court shall direct (which recognizance any one of the judges of the said supreme court is empowered to take) and after the taking and receipt whereof, the clerk of the said court shall make an entry thereof upon record, and shall file a memorandum in some public place in his office, that all persons may resort thereunto without fee. And in case any person or persons, against whom any information or informations for the causes aforesaid, or any of them, shall be exhibited, shall appear thereunto, and plead to issue, and the prosecutor or prosecutors of such information or informations, shall not, at his and their own proper costs and charges, at or before the second court (in which the same might be tried) next after issue joined therein, procure the same to be tried; or if upon such trial, a verdict pass for the defendant or defendants, or in case the said informer or informers procure a nolle prosequi to be entered, then, in any of the said cases, the said supreme court is hereby authorized to award to the said defendant or defendants, his or their costs, unless the judge before whom such information or informations shall be tried, shall, at the trial of such information or informations, in open court, certify upon record, that there was a reasonable cause for exhibiting the same. And in case the said informer or informers shall not, within ten days next after the said costs shall be taxed, and demand made thereof, pay to the said defendant or defendants, the said costs, then the said defendant or defendants shall have the benefit of the said recognizance, to compel them thereunto.

## C H A P. X.

*An ACT for the more effectual Discovery of the Death of Persons beyond Sea, or absenting themselves, upon whose Lives Estates do depend.*

Passed 6th February, 1788.

**W**HEREAS divers persons have estates for one or more life or lives, or for one or more year or years, determinable upon one or more life or lives; and it hath often happened, that such person or persons, for whose life or lives such estates are held, have gone beyond sea, or so absented themselves for many years, that the lessors, reversioners, or persons in remainder, cannot find out whether such person or persons be alive or dead; Therefore,

**L.** *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That if

Persons upon whose lives estates depend, being absent for seven years, to be deemed dead.

such person or persons, for whose life or lives such estates have been, or shall be granted or held as aforesaid, shall remain beyond sea, or absent himself, herself or themselves in this state, or elsewhere, by the space of seven years together, and no sufficient and evident proof be made of the life or lives of such person or persons respectively, in any action commenced or to be commenced for the recovery of such tenements, by the lessors or reversioners, or other person or persons entitled to the same estate, upon the death of such person or persons; in every such case, the person or persons, upon whose life or lives such estate depended, shall be accounted as naturally dead; and in every action brought for the recovery of the said tenements by the lessors or reversioners, or other person or persons entitled to the same, upon

the death of such person or persons, and their heirs or assigns, the judges before whom such action shall be brought, shall direct the jury to give their verdict as if the person or persons so remaining beyond sea, or otherwise absconding himself, herself or themselves, were dead.

II. *Provided always, and be it further enacted by the authority aforesaid,* That if any person or persons shall be evicted out of any lands or tenements, by virtue of this act, and afterwards, if the person or persons upon whose life or lives such estate or estates depend, shall return again from beyond sea, or shall, on proof in any action to be brought for the recovery of the same, be made appear to be living, or to have been living at the time of the eviction, that then, and from thenceforth, the tenant or lessee who was ousted of the same, his, her or their executors, administrators or assigns, shall or may re-enter, re-possess, have, hold and enjoy the said lands or tenements, in his, her or their former estate, for and during the life or lives, or so long a term as the said person or persons upon whose life or lives the said estate or estates depend, shall be living; and also shall, upon an action or actions, to be brought by him, her or them, against the lessors, reversioners or tenants in possession, or other persons respectively, which since the time of such eviction received the profits of the said lands or tenements, recover for damages the full profits of the said lands or tenements, respectively, for and from the time that he, she or they were ousted of the said lands or tenements, and kept and held out of the same, by the said lessors, reversioners, tenants, or other persons who, after the said eviction, received the profits of the said lands or tenements, or any of them respectively, as well in the case when the said person or persons upon whose life or lives such estate or estates did depend, are or shall be dead at the time of bringing of the said action or actions, as if the said person or persons were then living.

III. And whereas divers persons, as guardians and trustees for infants, and husbands in right of their wives, and other persons, having estates or interests determinable upon a life or lives, have continued to receive the rents and profits of such lands or tenements, after the determination of their said particular estates or interests; and whereas the proof of the death of the persons on whose lives such particular estates or interests depended, is very difficult, and several persons have been, and may be thereby defrauded; For remedy whereof, and for preventing such fraudulent practices in future, *Be it further*

*Persons claiming estates in remainder, &c. after the death of an infant, married woman, &c. on affidavit that he hath cause to believe that such infant, &c. is dead, may apply to the chancellor.*

*enacted by the authority aforesaid,* That any person or persons who hath or have, or shall have any claim or demand in or to any remainder, reversion or expectancy in or to any estate, after the death of any person within age, married woman, or any other person or persons whatsoever, upon affidavit made in the court of chancery in this state, by the person or persons so claiming such estates, of his, her or their title, and that he, she or they hath or have cause to believe that such infant, married woman, or other person or persons, is or are dead, and that his, her or their death is concealed by such guardian, trustee, husband, or any other person or persons, shall and may once a year, if the person or persons aggrieved shall think fit, move the chancellor for the time being, to order, and he is hereby authorised and required to order such guardian, trustee, husband, or other person or persons concealing or suspected to conceal such person or persons, on whose life or lives such estate doth, shall or may depend, at such time and place as the said court shall direct, on personal or other due

service of such order, to produce and shew to such person or persons (not exceeding two) as shall, in such order, be named by the party or parties prosecuting such order, such infant, married woman, or other person or persons aforesaid; and if such guardian, trustee, husband, or such other person or persons as aforesaid, shall refuse or neglect to produce or shew such infant, married woman, or such other person or persons, on whose life or lives any such estate doth or shall depend, according to the directions of the said order, that then the said court of chancery is hereby authorized and required to order such guardian, trustee, husband, or other person or persons, to produce such infant, married woman, or other person or persons so concealed, in the said court of chancery, or otherwise before commissioners to be appointed by the said court, at such time and place as the court shall direct; two of which commissioners shall be nominated by the party or parties prosecuting such order, at his, her or their costs and charges; and in case such guardian, trustee, husband, or other person or persons, shall refuse or neglect to produce such infant, married woman, or other person or persons so concealed, in the court of chancery, or before such commissioners, whereof return shall be made by such commissioners, and that return filed in the office of the register of the said court of chancery; then, in any or either of the said cases, the said infant, married woman, or such other person or persons so concealed, shall be taken to be dead; and it shall and may be lawful for any person or persons claiming any right, title or interest in reversion or remainder, or otherwise, after the death of such infant, married woman, or such other person or persons so concealed as aforesaid, to enter upon such lands, tenements and hereditaments, as if such infant, married woman, or other person or persons so concealed were actually dead.

IV. *And be it further enabled by the authority aforesaid,*  
On affidavit, that infant, &c. is beyond sea, or out of this state, claimant may send persons to view such infant, &c. That if it shall appear to the said court, by affidavit, that such infant, married woman, or other person or persons, for whose life or lives, such estate is holden, is or are, or lately was or were, at some certain place or places, beyond sea, or elsewhere out of this state, in the said affidavit to be mentioned, it shall and may be lawful for the party or parties prosecuting such order as aforesaid, at his, her or their costs and charges, to send one or both the said persons, appointed by the said order, to view such infant, married woman, or other person or persons, for whose life or lives any such estate is or shall be holden; and in case such guardian, trustee, husband, or other person or persons, concealing or suspected to conceal such person or persons as aforesaid, on whose life or lives any such estate doth or shall depend, shall refuse or neglect to produce, or procure to be produced, to such person or persons appointed by the said order, a personal view of such infant, married woman, or other person or persons, for whose life any such estate is or shall be holden; that then, and in such case, the person or persons appointed by such order, are hereby required to make a true return of such refusal or neglect to the said court, which return shall be filed in the office of the register of the said court, and thereupon such infant, married woman, or other person or persons, for whose life or lives any such estate is or shall be holden, shall be taken to be dead; and it shall and may be lawful for any person or persons claiming any right, title or interest in reversion, remainder or otherwise, after the death of such infant, married woman, or other person or persons, for whose life or lives any such estate is or shall be holden, to enter upon such lands, tenements and hereditaments, as if such infant, married woman, or other per-

son or persons, for whose life or lives any such estate is or shall be holden, were actually dead.

V. *Provided always, and be it further enacted by the authority aforesaid,* That if it shall afterwards appear, upon proof in any action to be brought, that such infant, married woman, or other person or persons, for whose life or lives any such estate is or shall be holden, were alive at the time of such order made, that then it shall be lawful for such infant, married woman, guardian, trustee, or other person or persons, having any estate or interest determinable upon such life or lives, to re-enter upon the said lands, tenements or hereditaments, and for such infant, married woman, or other person or persons, having any estate or interest determinable upon such life or lives, his, her or their executors, administrators or assigns, to maintain any action or actions against those who, since the said order, received the profits of such lands, tenements or hereditaments, or their executors or administrators, and therein to recover full damages for the profits of the same received, from the time that such infant, married woman, or other person or persons, having any estate or interest determinable upon such life or lives, were ousted of the possession of such lands, tenements or hereditaments.

VI. *Provided also, and be it further enacted by the authority aforesaid,* That if any such guardian, trustee, husband, or other person or persons, holding or having any estate or interest determinable upon the life or lives of any other person or persons, shall, by affidavit, or otherwise, to the satisfaction of the said court, make appear, that he, she or they hath or have used his, her or their utmost endeavours to procure such infant, married woman, or other person or persons, on whose life or lives such estate or interest doth or shall depend, to appear in the said court of chancery, or elsewhere, according to the order of the said court in that behalf made, and that he, she or they cannot procure or compel such infant, married woman, or other person or persons, so to appear, and that such infant, married woman, or other person or persons, on whose life or lives such estate or interest doth or shall depend, is, are or were living at the time of such return made and filed as aforesaid; then it shall be lawful for such person or persons to continue in the possession of such estate, and receive the rents and profits thereof for and during the infancy of such infant, and the life or lives of such married woman, or other person or persons, on whose life or lives such estate or interest doth or shall depend, as fully as he, she or they might have done if this act had not been made.

VII. *And be it further enacted by the authority aforesaid,* That every person, who, as guardian or trustee for an infant, and every husband seized in right of his wife only, and every other person having an estate determinable upon any life or lives, who, after the determination of such particular

estates or interests, without the express consent of him, her or them, who are or shall be next and immediately entitled upon and after the determination of such particular estates or interests, shall hold over and continue in possession of any messuages, lands, tenements or hereditaments, shall be, and are hereby

adjudged to be trespassers; and that all and every person and persons, his, her and their executors and administrators, who are or shall be entitled to such messuages, lands, tenements or hereditaments, upon or after the determination of such particular estates or interests, shall and may recover in damages against every such person or persons so holding over as aforesaid, and against his, her or their executors or administrators, the full value of the profits received during such wrongful possession as aforesaid.

*Guardians, &c. holding estates after determination of life of infant, &c. adjudged trespassers;*

*And persons entitled to recover damages.*

## C H A P. XI

*An ACT for rendering the Proceedings upon Writs of Mandamus and Informations, in the nature of Quo Warranto, more speedy and effectual.*

Passed 6th February, 1788.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That if any mandamus shall issue out of the supreme court, directed and delivered to any person or persons, who, by the laws of this state, are required to make a return to such writ of mandamus, such person or persons shall make his or their return to the first writ of mandamus.

**II.** *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, as often as any writ of mandamus shall issue out of the said supreme court, and a return shall be made thereunto, it shall and may be lawful to and for the person or persons suing or prosecuting such writ of mandamus, to plead to or traverse all or any the material facts contained within the said return, to which the person or persons making such return shall reply, take issue or demur; and such further proceedings, and in such manner, shall be had therein for the determination thereof, as might have been had if the person or persons suing such writ, had brought his or their action on the case for a false return; and if any issue shall be joined on such proceedings, the person or persons suing such writ, shall and may try the same in such place as an issue joined in such action on the case should or might have been tried: and in case a verdict shall be found for the person or persons suing such writ, or judgment given for him or them upon a demurrer, or by nil dicit, or for want of a replication or other pleading, he or they shall recover his or their damages and costs, in such manner as he or they might have done in such action on the case as aforesaid; and such damages and costs shall and may be levied by fieri facias, or capias ad satisfaciendum, as in other cases, and a peremptory mandamus shall be granted without delay, for him or them for whom judgment shall be given, as might have been, if such return had been adjudged insufficient; and in case judgment shall be given for the person or persons making such return to such writ, he or they shall recover his or their costs of suit, to be levied in manner aforesaid.

**III.** *Provided always, and be it further enacted by the authority aforesaid,* That if any damages shall be recovered by virtue of this act, against any such person or persons making such return to such writ as aforesaid, he or they shall not be liable to be sued in any other action or suit, for the making such return; any law, usage or custom to the contrary thereof notwithstanding.

**IV.** *And be it further enacted by the authority aforesaid,* That in case any person or persons shall usurp, intrude into, or unlawfully hold and execute any office or franchise within this state, it shall and may be lawful to and for the attorney-general, with the leave of the said supreme court, to exhibit one or more information or informations, in the nature of a quo warranto, at the relation of any person or persons desiring to sue or prosecute the same, who shall be mentioned in such information or informations, to be the relator or relators, against such person or persons so usurping, intruding into, or unlawfully holding and executing, any such office or franchise, and to proceed therein in such manner as is usual in cases of informations, in the nature of a quo warranto; and if it shall appear to the said supreme court, that the several rights of divers persons to the same office or franchise, may properly be determined on one information, it shall and may



be lawful for the said supreme court, to give leave to exhibit one such information against several persons, in order to try their respective rights to such office or franchise; and such person or persons against whom such information or informations, in the nature of a quo warranto, shall be sued or prosecuted, shall appear and plead as of the same term in which the said information or informations shall be filed, unless the said supreme court shall give further time to such person or persons, against whom such information or informations shall be exhibited, to plead; and such person or persons who shall sue or prosecute such information or informations, in the nature of a quo warranto, shall proceed thereupon with the most convenient speed that may be; any law or usage to the contrary thereof notwithstanding.

V. *And be it further enacted by the authority aforesaid,* That in case any person or persons against whom any information or informations, in the nature of a quo warranto, shall, in any of the said cases, be exhibited in the said

supreme court, shall be found or adjudged guilty of an usurpation or intrusion into, or unlawfully holding and executing, any of the said offices or franchises, it shall and may be lawful to and for the said supreme court, as well to give judgment of ouster, against such person or persons, of and from any of the said offices or franchises, as to fine such person or persons respectively, for his or their usurping, intruding into, or unlawfully holding and executing any such office or franchise; and also to give judgment, that the relator or relators, in such information named, shall recover his or their costs of such prosecution; and if judgment shall be given for the defendant or defendants, in such information, he or they for whom such judgment shall be given, shall recover his or their costs therein expended, against such relator or relators; such costs to be levied in manner aforesaid.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said supreme court, to allow to such person or persons respectively, to whom any writ of mandamus shall be directed, or against whom any information, in the nature of a quo warranto, in any of the cases aforesaid, shall be sued or prosecuted, or to the person or persons who shall sue or prosecute the same, such convenient time respectively to make a return, plead, reply, rejoin or demur, as to the said supreme court shall seem just and reasonable; any thing herein contained to the contrary thereof in any wise notwithstanding.

## C H A P. XII.

### *An ACT concerning Idiots, Lunatics, and Infant Trustees,*

Passed 6th February, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the chancellor for the time being, shall have the care, and provide for the safe keeping of all idiots, and of their lands and tenements, goods and chattels; and that they may live and be competently maintained by and out of their goods and chattels, and the profits of their lands and tenements respectively; and that no waste or destruction of their lands or tenements be done or permitted. And such lands and tenements shall in no wise be aliened, but shall, upon the death of such idiot, descend and go to his heirs, and the residue of the said goods, chattels and profits, if there be any, shall go to and be distributed according to law, among the next of kin of such idiot,

- II. *And be it further enacted by the authority aforesaid,* That the chancellor for the time being, shall have the care, and provide for the safe keeping of all lunatics and of their lands and tenements, and goods and chattels; and that they and their household, if they have any, may live and be competently maintained by and out of their goods and chattels, and the profits of their lands and tenements respectively. And that no waste or destruction of their lands or tenements be done or permitted. And such lands and tenements shall in no wise be aliened, but shall, together with the residue of the goods, chattels and profits, if there be any, be restored to such lunatic, if he comes to his right mind; and if he dies in his lunacy, his lands and tenements shall descend and go to his heirs, and the residue of the said goods, chattels and profits, shall go to, and be distributed according to law, among the next of kin of such lunatic.

III. And whereas many inconveniences do and may arise, by reason that persons under the age of twenty-one years, having estates in lands, tenements or hereditaments, only in trust for others, or by way of mortgage, cannot (though by the direction of the cestui que trust, or mortgagor) convey any sure estate in any such lands, tenements or hereditaments to any other person or persons; For remedy whereof, *Be it further enacted by the authority*

*Infant trustees, &c. may, by the direction of the court of chancery, convey lands, &c.*

*aforesaid,* That it shall and may be lawful to and for any such person, under the age of twenty-one years, by the direction of the court of chancery, signified by an order made upon hearing all parties concerned, on the petition of the person or persons for whom such infant or infants shall be seised or possessed in trust, or of the mortgagor or mortgagors, or guardian or guardians of such infant or infants, or person or persons entitled to the monies secured by or upon any lands, tenements or hereditaments, whereof any infant or infants are or shall be seised or possessed by way of mortgage, or of the person or persons entitled to the redemption thereof, to convey and assure any such lands, tenements or hereditaments, in such manner as the said court of chancery shall, by such order so to be obtained, direct, to any other person or persons; and such conveyance or assurance so to be had and made as aforesaid, shall be as good and effectual in law, to all intents and purposes whatsoever, as if the said infant or infants were, at the time of making such conveyance or assurance, of the full age of twenty-one years; any law, usage or custom to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid,* That all and every such infant and infants, being only trustee or trustees, mortgagee or mortgagees as aforesaid, shall and may be compelled, by such order, so as aforesaid to be obtained, to make such conveyance or conveyances, assurance or assurances as aforesaid, in like manner as trustees or mortgagees of full age, are compellable to convey or assign their trust-estates or mortgages.

*Infants may be compelled to make such conveyances.*

## C H A P. XIII.

### *An ACT concerning Apprentices and Servants.*

Passed 6th February, 1788.

**L** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That no master or mistress, or other person or persons, shall, after the passing of this act, compel or cause any apprentice or journeyman, by oath or bond

heretofore made, or hereafter to be made, or otherwise, that he or she, after his or her apprenticeship or term expired, shall not set up, keep or occupy any shop, house or cellar, and therein use or exercise such his or her said art, craft, mystery, profession, trade, employment, or manual occupation, nor by any means exact or take of any such apprentice, or any journeyman, nor any other, setting up, occupying, using or exercising, for him or themselves, nor of any other persons for them, after his or their said years or term expired, any sum of money, or other thing whatsoever, for using or exercising the same, upon pain to forfeit, for every time that they or any of them shall offend contrary to this act, the sum of forty pounds; the one half thereof to the people of this state, and the other half to such person or persons as will sue for the same; to be recovered, with costs of suit, by action of debt, bill, plaint or information, in any court of record having cognizance thereof: And that all and every bond, or other security given or entered into, contrary to the true intent and meaning of this act, shall be void.

II. And whereas doubts have arisen, whether any person within the age of twenty-one years, and bounden to serve as a clerk, apprentice or servant, shall be holden, accepted and taken as a clerk, apprentice or servant; For removing such doubts, *Be it further enacted by the authority aforesaid,* That

Apprentices may be bound to serve until the age of 21 years.

all and every such person or persons, that at any time or times hereafter, shall be bounden by indenture, of his or her own free will and accord, and by and with the consent of his or her father, or in case of the death of his or her father, by and with the consent of his or her mother or guardian, to be expressed in such indenture, and signified by such parent or guardian sealing and signing the same indenture, and not otherwise, or by the justices and overseers of the poor, as is herein after directed and prescribed, to serve as a clerk, apprentice or servant, in any art, craft, mystery, science, profession, trade, employment, manual occupation or labour, in manner and form aforesaid, until he or she shall be of the age of twenty-one years, or for any shorter time, although the same clerk, apprentice or servant shall be within the age of twenty-one years, at the time of the making of his or her indenture, shall be bounden to serve for the years or term in his or her indentures contained, as amply and largely, to every intent, as if the same clerk, apprentice or servant was of full age at the time of making such indenture; any law, usage or custom to the contrary notwithstanding. Provided always, That any

But no Indian child without consent of a justice.

child of any Indian woman, shall not be so bound or indentured as aforesaid, except in the presence and with the consent of a justice of the peace; a certificate of such consent being also signed by the justice, and filed with the clerk of the town or place in which such indenture shall be executed.

III. *And be it further enacted by the authority aforesaid,*

Overseers of the poor, with consent of justices, may bind poor children apprentices.

That it shall and may be lawful for the overseers of the poor of any city or town within this state, by and with the consent of the justices of the peace of the same county, or any two of them, residing in or near such town, or in the cities of New-York, Albany and Hudson, by and with the consent of the mayor, recorder and aldermen, or any two of them, to bind out any child who is or shall be chargeable, or whose parents are or shall become chargeable, to the city or town wherein they respectively inhabit, or who shall beg for alms, to be apprentices or servants, according to their degree and ability, where they shall see convenient, until such child or children, if male, shall respectively ar-

Males until 21.

Females until 18.

rive or come to the age of twenty-one years, and if female, to the age of eighteen years; and that the indentures or articles of agreement for binding any such infant, shall be as effectual, to all intents and purposes, as if such infant were of full age, and by indenture of covenant bound him or herself.

*IV. And be it further enacted by the authority aforesaid,* That if any person who shall bind him or herself by and with the consent of his or her parent, or other guardian as aforesaid, or who shall be bound by the overseers of the poor and justices, or mayor or recorder and aldermen, or any two of them as aforesaid, to serve as an apprentice or servant in the manner in this act above directed and prescribed, shall refuse so to do, that then, upon complaint of the master or mistress, to whom such apprentice or servant is or shall be bound as aforesaid, to one justice of the peace of the county wherein the said refusal is or shall be made, or to the mayor or recorder, or any one of the aldermen of any city, if any such refusal shall be there, they, and each of them shall have full power and authority by this act, by warrant under hand and seal, or otherwise, to send for the same person so refusing, and the said justice, or the said mayor or recorder, or alderman respectively, shall have power and authority by virtue of this act, if the said person refuse to serve as an apprentice or servant, to commit him or her unto ward in the bridewell, or house of correction, if any there be, or if there be no bridewell, or house of correction, in the gaol of the city or county wherein such refusal shall take place, there to remain until he or she be contented, and will serve as an apprentice or servant should serve, according to the true intent and meaning of this act. And to the end that the

time of the continuance of the service of such apprentice or servant may be more plainly and certainly appear, the age of every such infant so to be bound apprentice or servant, shall be mentioned and inserted in his or her indentures. And where the binding is by the overseers of the poor, by and with the consent of two justices of the peace, or mayor, recorder and aldermen as aforesaid, the same justices of the peace, or mayors, recorders and aldermen shall, as fully as they can, inform themselves of such infant's age, and from such information shall insert the same in the said indentures; and the age of such infant so inserted and mentioned in the said indentures (in relation to the continuance of his or her service) shall be taken to be his or her true age, without any further proof thereof.

*V. And be it further enacted by the authority aforesaid,* That all and every sum and sums of money which shall be given, paid, contracted or agreed for, with, or in relation to every clerk or apprentice, which shall, after the passing of this act, be put or placed to or with any master or mistress, to learn any art, craft, mystery, science, profession, trade, employment, or manual occupation, shall be inserted in the indentures so to be executed by such clerk or apprentice as aforesaid,

*VI. And be it further enacted by the authority aforesaid,* That all indentures, covenants, promises and bargains of or for the having, taking or keeping of any clerk or apprentice, hereafter to be made or taken, otherwise than is by this act limited, ordained and appointed, shall be clearly void in law, to all intents and purposes, as against such clerk or apprentice only.

*VII. And be it further enacted by the authority aforesaid,* That no deed, contract, agreement or writing whatsoever, made or to be made for bind-

*The money paid with any clerk or apprentice to be mentioned in the indentures.*

ing any person as a clerk, apprentice or servant, as aforesaid, after the passing of this act, shall be deemed or adjudged to be void, and of no effect, by reason, or on account of such deed, contract, agreement or writing, not being indented only.

VIII. And whereas the emigration of poor persons from Europe hath conducted greatly to the settlement of this state, while a colony: And whereas doubts have arisen tending to the discouragement of further importations of such poor persons: Therefore, *Be it further enacted by the authority aforesaid*, That every contract already made, or hereafter to be made, by any infant, or other person coming from beyond sea, executed in the presence of two witnesses, and acknowledged by the servant before any mayor, recorder, alderman or justice of the peace, shall bind the party entering into the same for such term, and for such services, as shall be therein specified; And that every assignment of the same executed before two credible subscribing witnesses, shall be effectual to transfer the same contract for the residue of the term therein mentioned: But that no contract shall bind any infant

*Infant to be bound no longer than until 21, except per ius for their passages, who may be bound until 24.*

longer than until his or her arrival to the full age of twenty one years; excepting such as are or shall be bound in order to raise money for the payment of their passages, who may be bound until the age of twenty-four years, provided the term of such service shall not exceed four years in the whole.

*How apprentices, &c. and masters, may be relieved in cases of complaint against each other.*

IX. *And be it further enacted by the authority aforesaid*, That if any master or mistress shall be guilty of any misusage, refusal of necessary provisions or clothing, cruelty, or other ill treatment, so that his or her said clerk, apprentice or servant, shall have any just cause to complain, or the said clerk, apprentice or servant be guilty of any misdemeanor, miscarriage, or ill behaviour, or do not his or her duty to his or her master or mistress; then the said master or mistress, or the said clerk, apprentice or servant, being aggrieved, and having just cause of complaint, shall repair unto one justice of the peace within the county, or to the mayor or recorder, or any one of the aldermen of the city, where the said master or mistress dwelleth, who shall, by his wisdom and discretion, take such order and direction between the said master or mistress and his or her clerk, apprentice or servant, as the equity of the cause shall require; and if for want of a good conformity in the said master or mistress, or clerk, apprentice or servant, the said justice of the peace, or mayor, recorder or alderman, cannot compound or agree the matter between such master or mistress and his or her clerk, apprentice or servant, then the said justice, or the said mayor or recorder, or alderman, shall take a recognizance of the said master or mistress, in such sum as he shall think proper, to appear at the next general sessions of the peace, then to be holden in the said county or city, where the said master or mistress doth reside, and upon his or her appearance and hearing of the matter before the justices at the said general sessions of the peace, if it be thought meet unto them to discharge the said clerk, apprentice or servant, of his or her clerkship, apprenticeship or service; that then the said justices, or three of them at the least, shall have power by virtue of this act, by rule or order of the said court, to discharge the said clerk, apprentice or servant, of his or her clerkship, apprenticeship or service, and to order all such part of such sum and sums of money as shall have been given, paid, contracted or agreed for, with or in relation to every such clerk, apprentice or servant, as

they shall judge meet and proper, to be refunded and paid back to the person or persons who paid the same, his or her executors or administrators; and that such order so entered in the minutes of the said court, shall be a sufficient discharge for the said clerk, apprentice or servant, against his or her master or mistress, and his or her executors and administrators; the said indenture or any law or custom to the contrary notwithstanding. And if the default shall be found to be in the clerk, apprentice or servant, then the said justices shall cause such due correction and punishment to be administered unto him or her, as by their wisdom and discretion shall be thought meet.

X. And whereas in some cases, as well by reason of the distance of the place of residence of the said masters or mistresses, from the places where the respective courts of general sessions of the peace are holden, as for other causes, it is very inconvenient that the final decision of differences between masters or mistresses, and their apprentices or servants, should be deferred until the sitting of the next general sessions of the peace for the city or county wherein such master or mistress reside: For remedy whereof, *Be it further*

*enacted by the authority aforesaid,* That it shall and may be lawful to and for any three or more justices in any county, or for the mayor, recorder and aldermen, or any three or more of them, upon any complaint or application by any apprentice or servant, upon whose binding out no sum of money was paid, touching or concerning any misuse, refusal of necessary provision or clothing, cruelty, or other ill treatment, of or towards such apprentice or servant, by his or her master or mistress, by precept under their hands and seals, to summon such master or mistress to appear before such justices, or such mayor, recorder and aldermen, or any two or more of them, at a reasonable time and place to be named in such summons; and such justices, mayor, recorder and aldermen, shall and may examine into the matter of such complaint; and upon proof thereof made upon oath to their satisfaction (whether the master or mistress be present or not, if service of the summons be also upon oath proved) the said justices or mayor, recorder and aldermen, may discharge such apprentice or servant, by warrant or certificate under their hands and seals; for which warrant or certificate no fee shall be paid.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for such justices, or mayor, recorder and aldermen, or any two or more of them, upon application or complaint made upon oath, by any master or mistress, against any such apprentice or servant, touching or concerning any misdemeanor, miscarriage, or ill behaviour in such his or her service, to hear, examine and determine the same, and to punish the offender, by commitment to the house of correction (if any there be) or to the common gaol of the county or city, there to remain, and be corrected and held to hard labour for a reasonable time, not exceeding one kalendar month, or otherwise by discharging such apprentice or servant in manner and form before mentioned.

XII. And whereas many persons are taken as apprentices or servants when they are very young, and for several years of their apprenticeships or service, are rather a burthen than otherwise to their masters or mistresses: And whereas it frequently happens, that such apprentices or servants, when they might be expected to be useful to their masters or mistresses, absent themselves from their service: And whereas the laws in being are not sufficient to prevent these inconveniences; For remedy whereof, *Be it further enacted*

Three justices may discharge apprentice or servant upon whose binding no money was paid.

Two justices may cause apprentices or servants to be punished for ill behaviour.

Apprentices or servants absenting themselves to serve double the time of such absence, or make satisfaction.

*by the authority aforesaid*, That from and after the passing of this act, if any apprentice or servant shall absent him or herself from his or her master's or mistress's service, before the term of his or her apprenticeship or service shall be expired, every such apprentice or servant shall, at any time or times thereafter, whenever he or she shall be found, be compelled to serve his or her said master or mistress, for double the time he or she shall have so absented him or herself from such service, unless he or she shall make satisfaction to his or her master or mistress, for the loss he or she shall have sustained by such absence from his or her service; and so from time to time, as often as any such apprentice or servant shall, without leave of his or her master or mistress, absent himself or herself from his or her service, before the term of his or her contract shall be fulfilled. *Provided always, and be it further enacted by the authority aforesaid*, That nothing in this clause of this act shall extend to any apprentice, whose master or mistress shall have received, with such apprentice, any sum or sums of money to learn such art, craft, mystery, profession, trade or employment: And also, That no apprentice or servant shall be compelled to serve for any time or term, or to make any satisfaction to any master or mistress, after the expiration of three years next after the end of the term for which such apprentice or servant shall have contracted to serve; any thing herein contained to the contrary notwithstanding.

XIII. *Provided also, and be it further enacted by the authority aforesaid*, That if any person or persons shall think himself, herself or themselves aggrieved by such determination, order or warrant of such justice or justices, mayor or recorder, and aldermen as aforesaid (except an order of commitment) he, she or they may appeal to the next general sessions of the peace, to be holden in and for the county, city or place where such determination or order shall be made; such person or persons giving six days notice of his, her or their intention of bringing such appeal, and of the cause and matter thereof, to such justice or justices of the peace, mayor, recorder or aldermen, and the parties concerned, and entering into a recognizance, within three days after such notice, before some justice of the peace, or the mayor, or recorder, or one of the aldermen for such county, city or place, with sufficient surety, conditioned to try such appeal at, and abide the order or judgment of, and pay such costs as shall be awarded by the justices at such general sessions; which said justices at their said session, upon due proof upon oath, of such notice being given, and of entering into such recognizances as aforesaid, shall, and are hereby empowered and directed to proceed in, and hear and finally determine the causes and matters of all such appeals, and to give and award such costs to any of the respective parties, appellant or respondent, as they, in their discretion, shall judge proper and reasonable, not exceeding four pounds; the same to be levied by distress and sale of the goods and chattels of such person or persons against whom such determinations shall be made, and that their judgments and orders therein shall be final and conclusive to all parties concerned.

XIV. *Provided also, and be it further enacted by the authority aforesaid*, That no writ of certiorari, or other process, shall issue, or be issuable to remove into the supreme court, any proceedings whatsoever, had in pursuance of this act, before any justice or justices of the peace, mayor or recorder, or alderman, or any of them, or before any court of general sessions of the peace, until after determination and final judgment therein had, by or in such court of general sessions of the peace.

## C H A P. XIV.

*An ACT for ascertaining the Measure of Land.*

Passed 7th February, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That an acre of land shall contain one hundred and sixty square perches or rods; each perch or rod being in length, five yards and one half of one yard; and each yard three feet; and each foot twelve inches; so that when an acre of land shall be sixteen rods in length, it shall be ten rods in breadth.

## C H A P. XV.

*An ACT for the Relief of Cities and Towns, from such Charges as may arise from Bastard Children born within the same.*

Passed 7th February, 1788.

**W**HEREAS bastards, or children begotten and born out of lawful matrimony, are often left to be kept and provided for at the charge of the respective cities or towns in which the same are so born, to the great burden of the same cities or towns; for remedy whereof,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That any two justices of the peace of any city, or of any county, one whereof residing in or near the town within which such bastard shall be born, upon examination of the cause and circumstance, shall and may, by their discretion, take order for the better relief of every such city or town, in part or in all, and shall and may likewise, by like discretion, take order for the keeping of every such bastard child, by charging such mother or reputed father with the payment of money weekly, or other sustentation for the relief of such child, in such wise as they shall think meet and convenient; and if after the same order by them subscribed under their hands, the mother or reputed father, upon notice thereof, shall not for his or her part observe and perform the said order, that then every such party so making default in not performing the said order, shall be committed to the house of correction, or (for want thereof) to the common gaol of such city or county, there to remain without bail or mainprize, except he or she shall put in sufficient surety to perform the said order, or else personally to appear at the next general sessions of the peace, to be holden in and for the city or county where such order shall be taken; and also to abide such order as the said justices of the peace, or the major part of them, in their said sessions shall take in that behalf (if they then and there shall take any) and that if at the said sessions the said justices shall take no other order, then to abide and perform the order before made as aforesaid.

II. *And be it further enacted by the authority aforesaid,* That if any woman shall be delivered of a bastard child, which shall be chargeable, or likely to become chargeable to any city or town, or shall declare herself to be with child, and that such child is likely to be born a bastard, and to be chargeable to any city or town, and shall, in either of such cases, in an examination to be taken in writing, upon oath, before any one or more justice or justices of the peace of any city, or of any county wherein such town shall lie, charge any person with having gotten her with child, it shall and may be lawful to and for such justice or justices, upon application made to him or them, by the overseers of the poor of such city or town, or persons acting as such, or by



any one of them, to issue out his or their warrant or warrants, for the immediate apprehending such person so charged as aforesaid, and for bringing him before such justice or justices, or before any other of the justices of the peace of such city or county; and the justice or justices before whom such person shall be brought, is and are hereby authorized and required to commit the person so charged as aforesaid, to the house of correction, or common gaol of such city or county, unless he shall give security to indemnify such city or town, or shall enter into a recognizance with sufficient surety, with condition to appear at the next general sessions of the peace to be holden for such city or county, and to abide or perform such order or orders as shall be made in pursuance of this act.

III. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That if the woman so charging any person as aforesaid, shall happen to die, or be married before she shall be delivered, or if she shall miscarry of such child, or shall appear not to have been with child at the time of her examination, then, and in any of the said cases, such person shall, at the next general sessions of the peace to be holden for such city or county, be discharged from his recognizance, or immediately released out of custody, by warrant under the hand and seal, or hands and seals of any one or more justice or justices of the peace of such city, or of any one or more justice or justices of such county, residing in or near such town.

IV. *Provided also, and be it further enacted by the authority aforesaid,* That upon application made by any person who shall be committed to any house of correction or gaol, by virtue of this act, or by any person in his behalf, to any one or more justice or justices of such city, or to any one or more justice or justices of such county, residing in or near such town, such justice or justices is and are hereby authorized and required to summon the overseer or overseers of the poor of the city or town, to appear before him or them at a time and place to be mentioned in such summons, to shew cause why such person should not be discharged; and if no order shall appear to have been made in pursuance of this act, within six weeks after such woman shall have been delivered, such justice or justices shall and may discharge him from his imprisonment in such house of correction or gaol to which he shall have been committed.

V. *Provided always, and be it further enacted by the authority aforesaid,* That it shall not be lawful for any justice or justices of the peace, to send for any woman whatsoever, in order to her being examined concerning her pregnancy, or supposed pregnancy, until one month after she shall be delivered, or to compel any woman, before she shall be delivered, to answer to any question relating to her pregnancy.

VI. And whereas the putative fathers and lewd mothers of bastard children, often run away out of the city or town, and sometimes out of the country, and leave the said bastard children upon the charge of the city or town where they are born; although such putative father or mother have estate sufficient to discharge such city or town: Therefore, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the overseers of the poor of such city or town, where any bastard child shall be born, to apply to any two justices of the peace of the city or county where the estate real or personal, or any part thereof, of such putative father, or lewd mother, may be, and by warrant under the hands and seals of the said two justices (who are hereby authorized and required to issue the same) to seize and

Justices may cause the estates of fathers and mothers of bastard children, to be seized for their support.

take the goods and chattles, and to let out and receive the annual rents and profits of the lands and tenements of such putative father, or lewd mother, so abconding as aforesaid, for and towards the bringing up and providing for such bastard child so left as aforesaid; and so soon as the said seizure shall be allowed of, and confirmed by the justices in their general sessions of the peace, it shall and may be lawful for the overseers of the poor of the city, town or place, or any two of them, from time to time, and as often as the case may require, to sell and dispose of so much and so many of the said goods and chattles, at public vendue, to the highest bidder, and to receive the said rents and profits, or so much thereof as shall be ordered by the said sessions, and to apply the money arising thereby towards the bringing up and providing for such bastard child so left as aforesaid. And further, That the said overseers of the poor shall be accountable to the justices of the peace, in their said general sessions, for all such monies as shall or may arise by every such sale or sales, or to be received by them for the rents and profits of such lands or tenements.

*VII. And be it further enabled by the authority aforesaid,* That if any person or persons shall be sued for any matter or thing, which he or they shall do in execution of this act, he or they may plead the general issue, and give the special matter in evidence: And if a verdict shall pass for the defendant or defendants, or if the plaintiff shall be nonsuited, or discontinue his suit, the defendant or defendants shall recover treble costs; and shall have the like remedy for the same, as any defendant hath in other cases by law.

*VIII. And be it further enabled by the authority aforesaid,* That the term, town, made use of in this act, shall be descriptive of, equivalent to, and be understood to comprehend borough, township, town, manor, parish, district, precinct and place, respectively.

## C H A P. XVI.

### *An ACT against buying and selling of Offices.*

Passed 7th February, 1788.

**F**OR the avoiding of corruption in officers, and to the intent that persons worthy and meet to be advanced to places where justice is to be administered, or any service of trust executed, and no other, should hereafter be preferred to the same:

*I. Be it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same,* That if any

Any person selling an office, or deputation of an office, to lose such office. person or persons, at any time hereafter, bargain or sell any office or offices, or deputation of any office or offices, or any part or parcel of any of them, or receive, have or take any money, fee, reward, or any other profit, directly or indirectly, or take any promise, agreement, covenant, bond, or any assurance to receive or have any money, fee or reward, or other profit, directly or indirectly, for any office or offices, or for the deputation of any office or offices, or any part of any of them, or to the intent that any person should have, exercise or enjoy any office or offices, or the deputation of any office or offices, or any part of any of them; then, all and every such person and persons who shall so bargain or sell any such office or offices, deputation or deputations, or who shall take any money,

fee, reward or profit, for any such office or offices, deputation or deputations of any such office or offices, or any part of any of them, or who shall take any promise, agreement, covenant, bond or assurance, for any money, fee, reward or profit to be given for any such office or offices, deputation or deputations of any such office or offices, or any part of any of them, shall not only lose and forfeit all his and their right and estate which such person or persons shall then have of, in or to such office or offices, deputation or deputations, or any part of any of them, or of, in or to the gift or nomination of such office or offices, deputation or deputations, for the which office or offices, or for the deputation or deputations of which office or offices, or for any part of any of them, any such person or persons shall so make any such bargain or sale, or take or receive any sum of money, fee, reward or profit, or any promise, agreement, covenant, bond or assurance, to have or receive any money, fee, reward or profit; but also, all and every such person or persons, who shall give or pay any sum of money, reward or fee, or shall make any promise, agreement, covenant, bond or assurance, for any such office or offices, or for the deputation or deputations of any such office or offices, or any part of any of them, shall immediately, by and upon the same fee, money or reward, given or paid, or upon any such promise, agreement, covenant, bond or assurance, had or made for any fee, sum of money, or reward, to be paid or given as aforesaid, be adjudged a disabled person in the law, to all intents and purposes, to have, exercise or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which such person or persons shall so give or pay any sum of money, fee or reward, or make any promise, agreement, covenant, bond, or other assurance, to give or pay any sum of money, fee or reward. And further, That all and every such bargains, sales, promises, agreements, covenants, bonds and assurances, as be before specified, shall be void to and against him and them, by whom any such bargain, sale, promise, agreement, covenant, bond or assurance, shall be had or made.

But all judgments, acts, &c. of offenders, prior to their removal from office, to be good in law.

II. *Provided always, and be it further enacted by the authority aforesaid,* That if any person or persons do offend in any thing contrary to the tenor and effect of this statute, yet notwithstanding all judgments given, and all other act and acts executed or done by any such person or persons so offending, by authority or colour of the office or deputation, which ought to be forfeited or not occupied, or not enjoyed by the person so offending as aforesaid, after the said offence so by such person committed or done, and before such person so offending, for the same offence be removed from the exercise, administration and occupation of the said office or deputation, shall be and remain good and sufficient in law, to all intents, constructions and purposes, in such like manner and form as the same should or ought to have remained and been, if this statute had not been made.

## C H A P. XVII.

*An ACT for preventing and punishing Perjury and Subornation of Perjury, and for compelling the Attendance of Witnesses.*

Passed 7th February, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all and every person and persons, who shall unlawfully and corruptly

procure or suborn any witness or witnesses, by letters, rewards, promises, menaces, threats, or by any other sinister or unlawful labour or means whatsoever, to commit any wilful and corrupt perjury in any matter or cause whatsoever now depending, or which hereafter shall depend in suit and variance, by any writ, action, bill, complaint, information or indictment, in any wife touching or concerning any lands, tenements or hereditaments, or any goods, chattels, debt, damages or offence, in the court of chancery, or in the court of admiralty, or in the court of probates, or in any court of record, or before any justice of the peace, mayor, recorder or alderman, or shall unlawfully and corruptly procure or suborn any witness or witnesses, who shall be sworn to testify in perpetuum rei memoriam; that then every such offender shall, for his or her said offence, being thereof lawfully convicted or attainted, lose and forfeit the sum of one hundred pounds: And if any such offender, being so convicted or attainted as aforesaid, shall not have any goods or chattels, lands or tenements to the value of one hundred pounds, that then every such person so being convicted or attainted of any of the offences aforesaid, shall, for his said offence, suffer imprisonment for the space of six months, without bail or mainprize; and shall stand upon the pillory the space of one whole hour, in some town or public place in the county or city where the offence, was committed. And further, That no person being so convicted or attainted, shall thenceforth be received as a witness, to depose or be sworn in any matter or cause whatsoever, until the judgment given against him or her shall be reversed, by attainr or otherwise.

*II. And be it further enacted by the authority aforesaid;*  
Persons convicted of perjury, That if any person, either by the subornation, unlawful procurement, sinister persuasion or means of any other, or

by his or her own act, consent or agreement, wilfully and corruptly commit any manner of wilful perjury by his or her deposition, in any of the courts aforesaid, or before any person or persons having competent authority to take the same, and administer such oath, or on being examined in perpetuum rei memoriam, then he or she so offending, and being thereof duly convicted or attainted, shall, for his or her said offence, lose and forfeit one hundred

To forfeit root, and be imprisoned six months. pounds, and be imprisoned six months, without bail or mainprize: And such person so offending, from thenceforth shall not be received as a witness, to depose or be sworn in any matter or cause whatsoever, until the judgment given against him or her, shall be reversed by attainr or otherwise. And further, If any such offender

And for want of goods &c. to be set on the pillory. being so convicted or attainted as aforesaid, shall not have any goods or chattels, lands or tenements, to the value of one hundred pounds, that then every such offender so being convicted or attainted, shall be set on the pillory for the space of one hour, in some town or public place in the same county or city where the said offence shall be committed.

*III. And be it further enacted by the authority aforesaid,* That one moiety of the said forfeiture, shall be to the use of the people of this state, and the other moiety to such person or persons as shall be grieved, hindered or molested by reason of any the offence or offences aforesaid, who will sue for the same, by action of debt, bill, plaint or information, in any court of record.

*IV. And be it further enacted by the authority aforesaid,* That in every information or indictment to be prosecuted against any person for wilful and corrupt perjury, either at the common law, or upon this act, it shall be sufficient to set forth the substance of the offence charged upon the defendant,

and by what court, or before whom the oath was taken (avering such court, or person or persons, to have a competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceedings, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed; any law, usage or custom to the contrary notwithstanding.

V. *And be it further enacted by the authority aforesaid,* That in every information or indictment for subornation of perjury, or for corrupt bargaining, or contracting with others to commit wilful and corrupt perjury, either at the common law, or upon this act, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceedings, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed; any law, usage or custom to the contrary notwithstanding.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for any of the justices of the supreme court, either at the supreme court, or any of the circuit courts, or justices assigned to hear and determine, or justices of goal delivery, and they are hereby authorized, setting the court, or within twenty-four hours after, to direct any person examined as a witness upon any trial before him or them, to be prosecuted for the said offence of perjury, in case there shall appear to him or them a reasonable cause for such prosecution, and that if shall appear to him or them proper so to do; and to assign the party injured, or other person undertaking such prosecution, counsel, who shall and are hereby required to do their duty without any fee, gratuity or reward for the same; and every such prosecution so directed as aforesaid, shall be carried on without payment of any fees in court, or to any officer of the court, who might otherwise claim or demand the same; and the clerk, or other proper officer who shall be attending when such prosecution is directed, shall, and is hereby required, without any fee or reward, to give the party injured, or other person undertaking such prosecution, a certificate of the same being directed, together with the names of the counsel assigned him by the court; which certificate shall, in all cases, be deemed sufficient proof of such prosecution having been directed as aforesaid: But that no such direction or certificate shall be given in evidence upon any trial to be had against any person, upon a prosecution so directed as aforesaid.

VII. *And be it further enacted by the authority aforesaid,* That if any person upon whom any process out of any of the courts of record within this state, shall be served to testify or depose concerning any cause or matter depending in any of the same courts, and having tendered to him or her, according to his or her degree or calling, such reasonable sums of money for his or her costs and charges, as, having regard to the distance of the place, is necessary to be allowed in that behalf, do not appear according to the tenor of the said process, not having a lawful and reasonable let or impediment to the contrary; then the person making default, shall lose and forfeit, for every such offence, the sum of

*A witness being subpoenaed, not appearing, forfeits 20l. and damages to the party grieved.*

*See 12th Ed. ch. 28. Sec. 5.*

twenty pounds, and shall yield further recompence to the party grieved, according to the loss and hindrance which the party who procured the said process shall sustain, by reason of the non-appearance of such witness; the said several sums to be recovered by the party so grieved, against the offender, by action of debt, bill, plaint or information, in any court of record, with costs of suit.

## C H A P. XVIII.

*An ACT for preventing and punishing Champerty and Maintenance.*

Passed 7th February, 1788.

**L** *BE* it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That

No officer or other person to prosecute for others to have part of the thing in demand.

no officer, or any other person, shall take upon him any business that is or may be in suit in any court, for to have part of the thing in plea or demand; and no person upon any such covenant or agreement, shall give up his right to another; and if any do, such conveyance, covenant and agreement shall be void. And further, That all and every person and persons who shall maintain any plea, suit or matter depending, or hereafter to be depending in any court, for lands, tenements or other things, for to have part or profit thereof, shall be punished by fine or imprisonment. But this act shall not prohibit any person to have counsel of pleaders, or men learned in the law, for his fee, or of his parents and next friends.

II. *And be it further enacted by the authority aforesaid,* That neither the chancellor, the justices of the supreme court, the president of the senate, senators, officers of the court of chancery, clerks, or other officers, judicial or ministerial, or any or either of them, shall take or receive any land or tenements in fee, by gift or by purchase, or to farm, or by champerty, or otherwise, so long as the thing is in plea in any court, nor shall take any reward thereof; and he who doth the contrary, either by himself or by any other, or makes any bargain concerning the same, shall be punished by fine or imprisonment, as well he that purchaseth, as he that doth sell.

Officers judicial or ministerial, taking any land while the thing is in plea, or any reward, subject to fine and imprisonment.

III. *And it is hereby declared by the authority aforesaid,* That all such as confederate or bind themselves by oath, covenant, agreement, or other alliance, that every of them shall aid and bear the other, falsely and maliciously to indict or cause to be indicted, any person or persons, or falsely to move or maintain any plea or suit, and such as maliciously cause children within age to appeal men of felony, whereby they are imprisoned and grieved, as such as retain men in the country with liveries or fees, for to maintain their malicious enterprizes, as well the takers as the givers, are properly to be called conspirators. And such as move pleas and suits, or cause them to be moved, either by their own procurement or by others, and sue them at their own proper costs, for to have part of the land or thing in variance, controversy or demand, or part of the gains, are properly to be called champertors.

IV. *And be it further enacted by the authority aforesaid,* That whosoever will complain of conspirators, inventors and maintainers of false quarrels, and the partakers thereof, may cause them to be attached, that they be

for the people of the state of New-York, to answer unto the plaintiffs, by a writ out of the chancery, in form following :

**T**HE people of the state of New-York, To the sheriff, greeting: We command you, That if A. of G. shall make you secure of prosecuting his complaint, then put by gage and safe pledges C of D. that he be before us, on the third Tuesday of January next, whereforever we shall then be, to answer the aforesaid A. of a plea of conspiracy and trespass, according to our ordinance thereof lately provided, as the same A. can reasonably shew that he ought to answer unto him thereof; and have you there the names of the pledges, and this writ.

And further, That if any person shall prosecute by bill without writ, the court shall do right to the plaintiff without delay.

*V. And be it further enacted by the authority aforesaid,* That no person whosoever, great or small, either by himself or by any other, by sending letters or otherwise, shall take upon him to maintain quarrels, other than his own, nor parties in the country or elsewhere, to the let and disturbance of law, upon pain of being punished by fine or imprisonment, and to lose his office, if he be an officer.

*VI. And be it further enacted by the authority aforesaid,* That every citizen of this state, who shall maliciously be indicted or appealed of or for any treason, felony or trespass, by any indictment or appeal before the justices of the supreme court, or before justices assigned to hear and determine, or before justices of the peace, or before any other having power to take such indictments or appeals, and who shall be then dwelling in any other county than where such indictment or appeal shall be taken, and who shall afterwards be duly acquitted thereof by verdict, shall, after such acquittal, have a writ and action upon his case, against every procurer of such indictment or appeal, and like process shall be upon and in the same writ, as in a writ of trespass done with force and arms; and if such procurer be convicted in this behalf, the plaintiff shall recover his treble damages.

*VII. And be it further enacted by the authority aforesaid,* That if any person or persons, through malice, intending to grieve another, do procure false appeals to be made of murder or other felony, when the party appealed doth acquit himself in any court having cognizance thereof, in due manner, either at the suit of the appellor, or at the suit of the people of this state, the justices before whom the appeal shall be heard and determined, shall punish the appellor by fine or imprisonment; and the appellor shall also restore to the party appealed, his or her damages, according to the discretion of the justices, having respect to the imprisonment or arrestment that the party appealed hath sustained, by reason of such appeal, and to the infamy he or she hath incurred by the imprisonment or otherwise. And if such appellor be not able to recompence the damages, it shall be enquired by whose abetment or malice the appeal was commenced, if the party appealed desire it; and if it be found by the same inquest, that any person is abettor, through malice, he shall be distrained by a judicial writ, at the suit of the party appealed, to come before the justices, and if he be lawfully convicted of such malicious abetment, he shall be punished by fine or imprisonment, and restitution of the damages, as above is said of the appellor.

*VIII. And whereas many persons having right and true title, as well to lands, tenements and rents, as to recover in personal actions, be wrongfully*

prevented or delayed of their right and action, by means that the occupiers or defendants; in order to be maintained and sustained in their wrong, do make gifts and conveyances of their lands and tenements, which be in debate, and of their goods and chattels, to others; Therefore, *be it further enacted by the authority aforesaid*, That all such gifts and conveyances so made or to be made, by fraud or for maintenance, shall be void, and holden for none.

*IX. And be it further enacted by the authority aforesaid*, That no person or persons shall from henceforth bargain, buy, sell or convey, or by any ways or means obtain, get or procure any pretended rights or titles, or make or take any promise, grant or covenant, to have any right or title of any person or persons, in or to any manors, lands, tenements or hereditaments, unless such person or persons who shall so bargain, sell, grant or convey, or covenant, or promise the same; or their ancestors; or those by whom he; she or they claim the same, have been in the possession of the same, or of the reversion or remainder thereof, or taken the rents or profits thereof, by the space of one whole year next before the said bargain, sale, grant; conveyance; covenant or promise made; upon pain that he or she who shall make any such bargain, sale, grant, conveyance; covenant or promise, shall forfeit the whole value of the lands, tenements or hereditaments, so bargained, sold, granted, conveyed; covenanted or promised, contrary to the form of this act; and the buyer or taker thereof, knowing the same, shall also forfeit the value of the said lands, tenements or hereditaments, so by him bought or taken as aforesaid: the one half of the said forfeitures to be to the use of the people of this state, and the other half to the party that will sue for the same, in any court of record, by action of debt; bill, plaint or information: Provided always; That it shall be lawful for any person or persons, being in lawful possession, by taking of the yearly farm rents; or profits of or for any manors, lands, tenements or hereditaments, to buy, obtain, get or have, by any reasonable ways or means; the pretended right or title of any other person or persons, to, of, or in such manors, lands, tenements or hereditaments; whereof he or they shall be so in lawful possession.

*X. And be it further enacted by the authority aforesaid*, That no person or persons do hereafter unlawfully maintain, or cause or procure any unlawful maintenance, in any matter or cause whatsoever now depending, or which hereafter shall depend in suit and variance, by any writ, action, bill, complaint, information or indictment, in any wise touching or concerning any lands, tenements or hereditaments, or any goods, chattels, debts, damages or offences, in any court in this state; or before any person or persons, who have, or hereafter shall have authority; by commission, patent, writ or otherwise, to examine; hear or determine any matter or witnesses concerning the same; and that no person or persons do hereafter unlawfully retain, for maintenance of any suit or plea, any person or persons, or embrace any freeholders or jurors, by letters; rewards, promises, or any other sinister labour or means, to maintain any matter or cause, or to the hindrance or disturbance of justice, or to the procurement or occasion of any false verdict, in any of the courts aforesaid, upon pain to forfeit, for every such offence, one hundred pounds; the one moiety thereof to the use of the people of this state, and the other moiety thereof to him who will sue for the same, by action of debt, bill, plaint or information, in any court of record.



C H A P. XIX.

An ACT for the Prevention and Punishment of Extortion.

Passed 7th February, 1788.

**BE** it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That no judge, justice, sheriff, or other officer whatsoever, ministerial or judicial, shall receive or take any fee or reward to do his office, but such as is or shall be allowed by the laws of this state; and if any doth, he shall restore to the party grieved, double damages. And further, That if any judge, justice, sheriff, or other officer aforesaid, hath received or taken, or shall receive or take, by colour of his office, any fee or reward whatsoever, not allowed by the laws of this state, for doing his office, and be thereof convicted, either at the suit of the party grieved, in any court of record; or at the suit of the people of this state, in the supreme court, or before justices of gaol delivery, or before justices assigned to hear and determine, or in any court of general sessions of the peace, he shall be punished by fine or imprisonment, or both, according to the discretion of the court, in which such conviction shall be had.

C H A P. XX.

An ACT for preventing and punishing Forgery and Counterfeiting.

Passed 7th February, 1788.

**BE** it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That if any person shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any record, charter, deed, or writing sealed, will, testament, bond, writing-obligatory, bill of exchange, promissory note for payment of money, endorsement or assignment of any bill of exchange, or promissory note for payment of money, or any acquittance or receipt, either for money or goods, or any acceptance of any bill of exchange, or the number, or principal sum of any accountable receipt for any note, bill or other security for payment of money, or any warrant or order for payment of money, or delivery of goods, with intention to defraud any person, or body politic or corporate whatsoever, or shall utter or publish as true, any false, altered, forged or counterfeited record, charter, deed, or writing sealed, will, testament, bond, writing-obligatory, bill of exchange, promissory note for payment of money, endorsement or assignment of any bill of exchange, or promissory note for payment of money, acquittance or receipt, either for money or goods, or any acceptance of any bill of exchange, or the number, or principal sum of any accountable receipt, for any note, bill or other security for the payment of money, or any warrant or order for the payment of money, or delivery of goods, with intention to defraud any person, or body politic or corporate whatsoever, knowing the same to be false, altered, forged or counterfeited; then every such person being thereof convicted, according to the due course of law, shall be deemed guilty of felony, and shall suffer death as a felon.

Persons forging, altering or counterfeiting, or causing to be forged, altered or counterfeited, any record, charter, deed, &c. or acting or assisting therein.

Or uttering or publishing, as true, any false, altered, forged, or counterfeited bond, &c.

Persons counterfeiting, or causing to be counterfeited, or assisting in counterfeiting public securities or bills of credit.

II. *And be it further enacted by the authority aforesaid,* That if any person shall counterfeit, or cause or procure to be counterfeited, or act or assist in counterfeiting, any certificate or other public security issued, or to be issued by the authority of the United States in congress assembled, or by the authority of the legislature of this state, for payment of money, or acknowledging the receipt of money or goods, or any bill of credit emitted or issued, or hereafter to be emitted or issued by or under the authority of the United States in congress assembled, or by or under the authority of the legislature of this state, or by or under the authority of the legislature of any other of the United States of America; or shall alter any certificate issued or to be issued as aforesaid, or any bill of credit emitted or issued, or to be emitted or issued as aforesaid, so that the same shall appear to be of greater value than the same was or shall be issued or emitted for, or intended to pass for by the law, resolution or act, in pursuance of which the same was or shall be issued or emitted; or shall utter, pass or give in payment, or offer to pass or give in payment, or procure to be uttered, passed or given in payment, any such counterfeited or altered certificate, or bill of credit, knowing the same to be counterfeited or altered, then every such person, being thereof convicted, according to due course of law, shall be deemed guilty of felony, and shall suffer death as a felon.

Or uttering, passing or giving in payment, any such counterfeited or altered certificate or bill, shall be deemed guilty of felony, and suffer death.

III. *And whereas it frequently happens,* that the persons who so alter certificates and bills of credit, with respect to their denomination, do at the same time alter the same as to the numbering or indenting thereof, and also in other respects, in so much that it is in some cases extremely difficult, and in others impossible to discover, from the checks or other memorandums remaining in the public offices, the sum for which the certificate or bill of credit so altered, originally issued; Therefore, *Be it further enacted by the authority aforesaid,* That in all cases where any such certificate or bill of credit shall be charged to have been altered, and they shall appear to have been altered, the same shall be presumed to have been altered from a less to a greater value, sum or denomination, and the burthen of proving that the certificate or bill of credit charged to have been altered, was not altered from a less to a greater sum, shall lie on the defendant charged with altering the same.

Certificates or bills altered, to be presumed to be altered from a less to a greater value until proved otherwise by the defendant.

Persons counterfeiting, or causing to be counterfeited, any gold or silver coins, or passing, or offering to pass the same, to suffer death.

IV. *And be it further enacted by the authority aforesaid,* That if any person shall counterfeit, or cause or procure to be counterfeited, or act or assist in counterfeiting, any of the species of gold or silver coins, now current or hereafter to be current in this state, or shall pass or give in payment, or offer to pass or give in payment, any such counterfeit, knowing the same to be counterfeit; then every such person, being thereof convicted, according to the due course of law, shall be deemed guilty of felony, and shall suffer death as a felon.

V. *And be it further enacted by the authority aforesaid,* That all other acts and clauses of acts heretofore made, concerning forgery and counterfeiting, or the punishment thereof, shall be, and hereby are repealed, except as to offences heretofore committed.

C H A P. XXI.

*An ACT making it Felony in such who shall levy any Fine, suffer any Recovery, or acknowledge any Deed, Recognizance, Bail or Judgment in the Name of another, not being privy and consenting thereto.*

Passed 7th February, 1788.

**I** *BE* it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all and every person and persons, who shall acknowledge or procure to be acknowledged, any fine or fines, recovery or recoveries, deed or deeds, recognizance or recognizances, bail or bails, judgment or judgments, in the name or names of any other person or persons not privy or consenting to the same, and all and every person and persons who shall, before any person or persons authorized to take bail or bails, represent or personate any other person or persons, whereby the person or persons so represented or personated, may be liable to the payment of any sum or sums of money, for debt or damages, to be recovered in the same suit or action wherein the person or persons are represented or personated, as if he or they had really acknowledged and entered into the same bail or bails, being lawfully convicted or attainted thereof, shall be adjudged guilty of felony.

*II. Provided always, and be it further enacted by the authority aforesaid,* That this act shall not extend to any judgment or judgments acknowledged by any attorney or attornies of record, for any other person or persons, against whom any such judgment or judgments shall be had or given.

C H A P. XXII.

*An ACT to prevent stealing and avoiding Records.*

Passed 7th February, 1788.

**I** *BE* it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That if any record or parcel of the same, writ, return, panel, process, or other proceeding in the court of chancery, supreme court, exchequer, or in any other court of record, or in the office of the secretary of this state, or in the office of the clerk of any city or county in this state, hath been or hereafter shall be stolen, or willingly taken away, withdrawn or avoided, by any clerk, or by any other person, by reason whereof any judgment shall be reversed, then every such stealer, taker-away, with-drawer or avoider, their procurers, counsellors and abettors, being convicted or attainted thereof, according to the due course of law, shall be adjudged guilty of felony.

*II. Provided always, and be it further enacted by the authority aforesaid,* That this act shall not extend to any amendment or entry made or to be made by any rule, order, judgment or decree of any court.

C H A P. XXIII.

*An ACT declaring it to be Felony in Servants to embezzle their Master's Goods.*

Passed 7th February, 1788.

**I** *BE* it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That if any servant to whom any money, goods or chattels heretofore have been, or hereafter shall be, by his or her master or mistress, delivered to be

safely kept, hath withdrawn himself or herself, from his or her said master or mistress, and gone away, or hereafter shall withdraw himself or herself from his or her said master or mistress, and go away with the said money, goods or chattels, or any part thereof, to the intent to steal the same, and defraud his or her said master or mistress thereof, contrary to the trust and confidence in him or her reposed, by his or her said master or mistress; or being in the service of his or her said master or mistress, without assent or commandment of his or her said master or mistress, hath embezzled, or shall embezzle the same money, goods or chattels, or any part thereof, or otherwise hath converted, or shall convert the same to his or her own use, with like purpose to steal the same, then, and in every such case, if the said money, goods or chattels, that any such servant hath gone away with, or shall go away with, or which such servant hath embezzled or shall embezzle, with purpose to steal the same as aforesaid, be of the value of twenty shillings, or above; the same false, fraudulent and untrue act or demeanor, shall be adjudged felony. But this act shall not extend to any apprentice, nor to any person within the age of eighteen years, going away with the goods or chattels of his or her master or mistress, or otherwise converting the same to his or her own use, during the time of his or her apprenticeship, or being within the age of eighteen years; and every apprentice, and every other person under the age of eighteen years, doing or offending contrary to this act, shall stand, and be in like case as if this act had not been made.

#### C H A P. XXIV.

*An ACT to restrain all Persons from marrying, until their former Wives and former Husbands be dead.*

Passed 7th February, 1788.

**B**E it enacted by the people of the State of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That if any person or persons being married, or who hereafter shall marry, do at any time marry any person or persons, the former husband or wife being alive, then every such offence shall be felony; and the party and parties so offending, shall receive such and the like proceedings, trial, judgment and execution, in the county where such person or persons shall be apprehended, as if the offence had been committed in the same county where such person or persons shall be taken or apprehended; but neither this act, nor any thing therein contained, shall extend to any person or persons whose husband or wife shall be continually remaining without the United States of America, by the space of five years together, or whose husband or wife shall have absented him or herself the one from the other by the space of five years together, the one of them not knowing the other to be living within that time; nor to any person or persons who are, or shall be, at the time of such marriage, divorced by the sentence or decree of any court having cognizance thereof; nor to any person or persons where the former marriage hath been or shall be, by the sentence or decree of any such court, declared to be void and of no effect; nor to any person or persons for or by reason of any former marriage had or made, or to be had or made within the age of consent,

C H A P. XXV.

*An ACT to prevent malicious Maiming and Wounding.*

Passed 7th February, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That if any person or persons shall, on purpose, and of malice aforethought, cut out the tongue, or put out the eyes of any other person; or if any person or persons shall, on purpose, and of malice aforethought, and by lying in wait, unlawfully cut out or disable the tongue, put out an eye, slit the nose or lip, or cut off the nose or lip, or cut off or disable any limb or member of any other person, with intention, in so doing, to murder or kill, or to maim, or disfigure, in any the manners aforesaid, such other person; every such offence shall be deemed and adjudged felony; and every person or persons so offending, and every person and persons who shall aid, abet, assist, counsel, hire or command, any person or persons to commit any of the said offences, being thereof convicted or attainted, shall be, and hereby are declared to be felons, and shall suffer death for the same.

C H A P. XXVI.

*An ACT concerning Prisoners breaking Prison.*

Passed 7th February, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That no person from henceforth, who, being imprisoned, shall break prison, shall have judgment of life or member, for breaking of prison only, except the cause for which such prisoner was taken and imprisoned, did require such judgment, if he had been convicted thereupon, according to the law and custom of this state.

C H A P. XXVIII.

*An ACT requiring all Persons holding Offices or Places under the Government of this State, to take the Oaths therein mentioned.*

Passed 8th February, 1788.

**I**B E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That every person who shall hereafter be elected a member of the senate of this state, and every person who shall hereafter be elected a member of the assembly of this state, before he takes his seat, and every person who shall hereafter be elected governor, or lieutenant-governor of this state, and every person who shall hereafter be appointed a delegate to represent this state in the congress of the United States, and every person who shall hereafter be appointed to any office, civil or military, before he enters upon the execution of his trust, place or office, shall and hereby is required to take and subscribe the following oath; that is to say,

**I** do solemnly, without any mental reservation or equivocation whatsoever, swear and declare, That I renounce and abjure all allegiance and subjection to all and every foreign king, prince, potentate and state, in all matters ecclesiastical as well as civil; and that I will bear faith and true allegiance to the state of New-York, as a free and independent state.

II. *And be it further enabled by the authority aforesaid,* That every person who shall hereafter be elected governor or lieutenant-governor of this state, and every president of the senate, who shall at any time administer the government of this state, shall also, before he enters upon the execution of his trust, place or office, take the following oath of office, to wit :

**I** elected governor, lieutenant-governor or president of the senate (as the case may be) of the state of New-York, do solemnly swear and declare, That I will, in all things, to the best of my knowledge and ability, faithfully perform the trust reposed in me as governor, lieutenant-governor, or president of the senate (as the case may be) of the state of New-York, by executing the laws and maintaining the peace, freedom and independence of the said state, in conformity to the powers delegated unto me by the constitution of the said state.

III. *And be it further enabled by the authority aforesaid,* That the president of the court for the trial of impeachments, and the correction of errors, and every member of the said court, and all judicial officers in this state, hereafter to be elected or appointed, shall also, before they enter upon the execution of their respective offices, severally take and subscribe the following oath, to wit :

**I** do solemnly swear and declare, That I will, to the best of my knowledge and ability, execute the office of (here describe the office) according to the constitution and laws of the state of New-York, in defence of the freedom and independence thereof, and for the maintenance of liberty, and the distribution of justice among the citizens and inhabitants of the said state, without any fear, favour, partiality, affection, or hope of reward.

IV. *And be it further enabled by the authority aforesaid,* That every person who shall hereafter be appointed secretary of this state, shall also, before he enters upon the execution of his office, take and subscribe the following oath, to wit :

**I** secretary of the state of New-York, do solemnly swear and declare, That I will, in all things, according to the best of my knowledge and ability, justly and honestly keep the records, parchments, papers, and instruments of writing, committed unto me, and which shall be, from time to time hereafter committed unto me, by virtue of my said office, and in all things, to the best of my knowledge and understanding, faithfully and honestly perform the duty of my said office of secretary, and the trust reposed in me, without favour or partiality.

V. *And be it further enabled by the authority aforesaid,* That every person who shall hereafter be appointed sheriff or coroner of the city and county of New-York, or Albany, or of any other county in this state, and the chief marshal of the city of Hudson, and all and every of their deputies respectively, shall also, before he, they or any of them shall enter upon the execution of the said office, take the following oath, to wit :

**I** , sheriff (or coroner, or chief marshal, or deputy marshal, or under sheriff, or one of the deputies of the sheriff, as the case may be) of the city and county of New-York, (or Albany, or Hudson, or, of the county of , as the case may be) do solemnly swear and declare, That I will well and truly serve the people of the state of New-York, in the office

of sheriff (or coroner, or chief marshal, or deputy marshal, or under sheriff, or one of the deputies of the sheriff, as the case may be) of the said county (or city and county, or city, as the case may be) during my continuance therein; and will faithfully and truly execute, or cause to be executed (the words, or cause to be executed, to be omitted in the oath to be administered to an under sheriff, or deputy sheriff, or deputy marshal) all writs and precepts which shall be delivered to me, or come to and remain in my hands for that purpose, according to the best of my knowledge, skill and judgment; and that I will not corruptly or unjustly use or exercise the said office, during the time that I shall remain therein; neither will I, directly or indirectly, accept, receive or take, by any colour, means or device whatsoever, or consent to the taking any manner of fee or reward whatsoever, of or from any person or persons whomsoever, for the summoning, impaneling or returning of any inquest, jury or tales, in any court, for the people of this state, or between party and party, other than such fees or reward as now are, or hereafter shall be allowed by law for the same; and that I will not, directly or indirectly, exact or demand, any manner of fee or reward whatsoever, from any person or persons whomsoever, for serving or returning of any writ, precept or process whatsoever, or for any other service whatsoever, in my said office, other than such fees or reward as now are, or hereafter shall be allowed for the same by law; but that I will demean myself honestly and impartially in all things that shall belong to the duty of my said office, according to the best of my knowledge, skill and ability.

VI. *And be it further enacted by the authority aforesaid,* That every person who shall hereafter be appointed register, or clerk of any court, or clerk of any city or county in this state, shall also, before he enters upon the execution of his office, take the following oath, to wit:

**I**, register (or clerk, or one of the clerks) of the court of \_\_\_\_\_, (or clerk of the county of \_\_\_\_\_, or of the city and county of \_\_\_\_\_, or of the city of \_\_\_\_\_, as the case may be) do solemnly swear and declare, That I will justly and honestly keep the records, parchments papers and writings committed to me, by virtue of my said office, and which shall be from time to time hereafter committed unto me, and in all things, to the best of my knowledge and understanding, faithfully and honestly perform the duty of my said office, and the trust reposed in me, without favour or partiality.

VII. *And be it further enacted by the authority aforesaid,* That all other ministerial officers hereafter to be appointed, shall also, before they respectively enter upon the execution of their respective offices, severally take and subscribe the following oath, to wit:

**I**, appointed to the office of (here insert the officer's title of office) do solemnly promise and swear, That I will in all things, to the best of my knowledge and ability, faithfully perform the trust reposed in me.

VIII. *And be it further enacted by the authority aforesaid,* That the said oaths shall be taken and subscribed before such person or persons as shall be appointed by commission for that purpose, under the great seal of this state, in nature of a *dedimus potestatem*, who shall take such subscriptions on a roll or rolls, to be provided for that purpose, containing a proper caption or captions, with the said oaths written at length thereon, and subscribed with the

proper names and hand-writing of the several person and persons taking such respective oaths: which rolls shall be disposed of as follows, to wit: Those containing the oaths and subscriptions of any governor, lieutenant governor, president of the senate, member of the senate or assembly, chancellor, judge of the supreme court, judge of the court of admiralty, judge of the court of probates, or any officer of either of the said courts, or attorney-general, or secretary of this state, or military officer whose office shall extend into more than one county, shall be deposited and kept in the office of the secretary of this state; and those containing the oaths and subscriptions of the respective county officers, both civil and military, shall be deposited and kept in the office of the clerk of the same county.

IX. *Provided always, and be it further enacted by the authority aforesaid,* That this act shall not extend to any county treasurer, supervisor, town-clerk, commissioner of the highway, assessor, collector, constable or other town officer.

## C H A P. XXX.

*An ACT to take out of Circulation the Bills of Credit emitted by Law, and to emit others as a Substitute.*

Passed 8th February, 1788.

§ 9th Sess. Ch. 40. **W**HEREAS, by virtue of an act of the legislature of this state, entitled, § An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned, passed the eighteenth day of April, one thousand seven hundred and eighty-six, bills of credit to the amount of two hundred thousand pounds, were emitted: And whereas counterfeits of the said bills have been made, and have been passed as true bills, to the great injury of the good people of this state; Therefore,

*L. Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That bills of credit, to the amount, and of the several denominations of the bills specified in the first section of the act herein before recited, and still remaining in circulation, be made forthwith after the passing of this act; and that upon every of the said bills shall be impressed the arms of the state of New-York, and the words following, to wit:

**B**Y a law of the state of New-York, this bill shall be received in all payments into the treasury, for New-York, the day of one thousand seven hundred and eighty-eight.

And also the words, It is death to counterfeit this bill, together with such other words and devices as the treasurer of this state for the time being, and Daniel McCormick, John De Peyster, Nicholas Hoffman and Hendrick Wyckoff, or any three of them, shall direct; which bills, when so impressed, shall be numbered by Daniel McCormick, Hendrick Wyckoff, John De Peyster and Nicholas Hoffman, or any of them, and signed by any two of them; and when signed, shall, by the persons hereby appointed signers thereof, or any of them, be delivered unto the said treasurer, who shall give duplicate receipts for the same, one of which shall be delivered by the said signers, or any one of them, to the legislature of this state, whenever the same shall be required.



II. *And be it further enacted by the authority aforesaid,* That the said treasurer, and the said Daniel McCormick, Hendrick Wyckoff, John De Peytler and Nicholas Hoffman, or any three of them, shall, and they are hereby authorised to employ such and so many engravers as they shall deem proper, to engrave such and so many plates for the said bills as they may judge necessary, and shall direct with what types the words to be printed on the said bills shall be impressed thereon, and shall procure such paper for the said bills, as in their judgment shall be best adapted to the purpose, and shall employ such printer to print the said bills, as they may think proper; which printer shall perform the printing under such inspection, and agreeably to such directions as they shall, from time to time, give and order: And further, That they the said Daniel McCormick, Hendrick Wyckoff, John De Peytler and Nicholas Hoffman, and every person by them or any of them employed in engraving the plates, or printing the bills, or to inspect the printer, whilst the same bills are striking off, shall, before they respectively enter on the business assigned them, take and subscribe, before one of the justices of the supreme court, or the mayor or recorder of the city of New-York, an oath, well and truly to execute the trust reposed in them, by and in pursuance of this act.

III. *And be it further enacted by the authority aforesaid,* That if any more of the said bills shall be printed than is directed by this act, then the said Daniel McCormick, Hendrick Wyckoff, John De Peytler and Nicholas Hoffman, or any two of them, as soon as the number of bills of each denomination to be made as aforesaid, shall be signed and delivered to the said treasurer, shall immediately, and in the presence of the said treasurer, destroy such supernumerary bills, and the plates by which the bills were struck off shall be melted down, or otherwise destroyed in the presence of the said treasurer, and of the said Daniel McCormick, Hendrick Wyckoff, John De Peytler and Nicholas Hoffman, or any two of them.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the said treasurer shall have received from the said signers, to the amount of thirty thousand pounds of the said new bills, he shall cause advertisements to be published in two of the newspapers printed in the city of New-York, and in each of the public newspapers printed in the other cities and counties within this state, requiring the holders of any of the bills of credit emitted by virtue of the said recited act, to bring the same into the treasury, and notifying that he will give in exchange for the same, bills of credit of equal value, emitted by virtue of this act.

V. *And be it further enacted by the authority aforesaid,* That the bills of credit to be emitted by virtue of this act, shall pass and be receivable in all cases, in like manner as the bills of credit emitted by the said herein before recited act, were thereby enacted to be receivable and taken.

VI. *And be it further enacted by the authority aforesaid,* That all the bills of credit which the said treasurer shall receive in exchange as aforesaid, shall be by him, from time to time, destroyed in the manner directed by the forty-ninth section of the said recited act, in the presence of the said Daniel McCormick, Hendrick Wyckoff, John De Peytler and Nicholas Hoffman, or any two of them; but the said treasurer shall, on the first Monday of November next ensuing the passing of this act, and annually on the first Monday of November in each year following, previous to the destroying of the said bills, deliver unto the persons hereby nominated as signers of the bills to be emitted by virtue of this act, two separate accounts, subscribed by himself, of the amount and denomination of the bills so by him to be at that time

cancelled; which signers, or any three of them, after having examined the said bills, and having found that the amount and denominations correspond with the said accounts, and having seen the said bills destroyed, shall endorse and subscribe a certificate on each of the said accounts, purporting, that the bills therein specified, have been cancelled by the said treasurer; one of which accounts, so certified and subscribed, shall be delivered to the said treasurer, and the other retained by the said signers, or one of them, to be delivered to the legislature, whenever required.

VII. And whereas it may so happen, that persons possessed of bills of credit, emitted by virtue of the said recited act, and who may have borrowed the said bills at any loan-office, established by the said act, may find it most convenient to pay the same bills into such loan-office, for principal or interest, or for both, of the money so borrowed; Therefore, *Be it further enacted, by the authority aforesaid,* That all such of the bills emitted by virtue of the said recited act, as shall be so paid into any loan-office, and by any loan-officer into the treasury of this state, shall be cancelled, accounted for, and disposed of in the manner directed in the last preceding section of this act.

Former bills received by loan-officers, to be cancelled as in the last clause.

Such bills not to be received after 1788; amended 13th session, ch. 21.

But to be exchanged at the treasury until third Tuesday in June, 1799.

Provided always, That none of the bills emitted by virtue of the said recited act, shall be received by any loan officer after the ninth day of July next, but that thenceforth all such bills shall be exchanged at the treasury, until the third Tuesday of June, in the year one thousand seven hundred and eighty-nine; after which period they shall not be so exchanged, nor taken in any payments whatsoever.

VIII. And whereas doubts have arisen whether any of the bills of credit, or other monies which may be paid into the loan-offices by the borrowers of such bill, as in part of the principal loaned, were to be paid into the treasury, and there destroyed, if such payment was in bills, or detained, if in gold or silver, for the redemption of the bills in circulation; Therefore, to remove such doubts, *Be it further enacted by the authority aforesaid,* That

Principal paid to any loan-officer before the third Tuesday in June, 1790, to be reloaned.

† Altered 12th sess. ch. 29, sec. 4.

any part of any principal, borrowed by any person whatsoever, which shall have been paid, or have come into any loan-office, or which shall hereafter, and on or before the third Tuesday in June, which will be in the year of our Lord one thousand seven hundred and ninety, or within twenty two days thereafter, be paid or come into any loan-office, shall and may be † reloaned by the respective loan-officers, on the terms and conditions directed in the said recited act; any thing in the said act, or this act, to the contrary notwithstanding.

IX. *And be it further enacted by the authority aforesaid,* That all monies which shall hereafter, and on or before the third Tuesday of June, which will be in the year of our Lord one thousand seven hundred and ninety, or within twenty-two days thereafter, be paid into any loan-office for interest, and all monies which shall, from and after the said third Tuesday in June last mentioned, or within twenty-two days thereafter, be paid into any loan-office, in discharge either of principal or interest, shall, by the loan-officers respectively, be paid into the treasury of this state, and so much of such monies as shall be so paid into the treasury in bills of credit, shall, by the treasurer, be cancelled, accounted for and disposed of, in the manner directed by the sixth section of this act; any thing

Monies on or before third Tuesday in June, 1790, paid to any loan-officer for interest, or afterwards in discharge of principal or interest, to be paid into the treasury.

in the said recited act, or in this act, to the contrary thereof notwithstanding. But if such monies, or any part thereof, shall be paid in gold or silver, the same shall be disposed of in the manner herein after directed.

X. And whereas provision was made in and by the said recited act, for the redemption of the bills of credit emitted by virtue thereof, so as that the whole of the said bills should be redeemed in the year one thousand eight hundred; in order therefore more effectually to accelerate the said redemption:

Gold or Silver paid  
to the treasury for  
principal or interest,  
to be exchanged for  
B.N.

*Be it further enacted by the authority aforesaid,* That whenever any gold or silver shall be paid into the treasury of this state, for principal or interest of any of the bills of credit which have been or may be loaned; the treasurer shall, and he is hereby required from time to time, to exchange such gold or silver for such bills, at the value expressed on such bills; and the bills so received in exchange, shall be cancelled, accounted for, and disposed of in the manner directed by the sixth section of this act.

How the treasurer  
shall proceed if he has  
not redeemed all the  
bills by the first Mon-  
day in November,  
1800.

XI. *And be it further enacted by the authority aforesaid,* That if the treasurer shall not, by means of such exchange as aforesaid, have redeemed the whole of the said bills of credit, on or before the first Monday of November, in the year one thousand eight hundred, he shall, by advertisements, to be published in three of the news-papers printed in this state, require all persons having any of the said bills of credit in possession, to come and exchange the said bills for gold or silver, on or before the last day of December then next ensuing; and if any of such bills shall remain in circulation after the said last day of December, they shall not be so exchanged, but shall nevertheless be received in all payments into the treasury of this state.

Bills not redeemed,  
to be received in all  
payments in the trea-  
sury.

XII. *And be it further enacted by the authority aforesaid,* That the treasurer shall pay the expences which shall accrue for engraving the plates, procuring the paper, printing the bills, and inspecting the printer, and all other incidental expences which may arise in or about the execution of this act, and also to each of the persons authorized to sign the bills to be emitted by virtue of this act, at the rate of two shillings for every hundred of the said bills which they shall respectively sign, and at the rate of one shilling and six pence for every hundred of the said bills which they shall respectively number; the accounts of the said expences and charges being first audited by the auditor of this state for the time being.

Mortgagors at any  
time before sale,  
paying the whole mo-  
ney and expences, re-  
stored to their estate  
in the mortgaged pre-  
mises.

XIII. *And be it further enacted by the authority aforesaid,* That if, at any time before a sale by the loan-officers, the respective mortgagors, their heirs or assigns, shall pay to the loan-officers the whole of the monies, by reason of the neglect to bring in and pay which, such sale shall have been advertised, together with the expences of advertising, the loan officers shall not proceed to a sale; and the several mortgagors and their respective heirs and assigns shall, on such payment be, with respect to the equity of redemption, and their estate and right of, in and to the mortgaged premises, restored to, and be in the same condition as if there had not been a neglect to bring in and pay the said monies; any thing in the herein recited act to the contrary notwithstanding.

C H A P. XXXI.

*An ACT for apprehending and punishing disorderly Persons.*

Passed 9th February, 1788.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That all persons who threaten to run away and leave their wives or children to the city or town, and all persons who shall unlawfully return to the city or town from whence they shall respectively have been legally removed by order of two justices of the peace, without bringing a certificate from the city or town whereto they respectively belong; and also all persons, who not having wherewith to maintain themselves, live idle without employment, and also all persons who go about from door to door, or place themselves in the streets, highways or passages, to beg in the cities or towns where they respectively dwell, and all jugglers, and all persons pretending to have skill in physiognomy, palmistry, or like crafty science, or pretending to tell fortunes, or to discover where lost goods may be found; and all persons who run away and leave their wives or children, whereby they respectively become chargeable to any city or town; and all persons wandering abroad and lodging in taverns, beer-houses, out-houses, market-places or barns, or in the open air, and not giving a good account of themselves, and all persons wandering abroad and begging, and all idle persons not having visible means of livelihood, and all common prostitutes, shall be deemed and adjudged disorderly persons; and it shall and may be lawful for any justice of the peace to commit such disorderly persons (being thereof convicted before him, by his own view, or by the confession of such offenders, respectively, or by the oath of one or more credible witness or witnesses) to the bridewell or house of correction, of such city or town, there to be kept at hard labour, for any time not exceeding sixty days, or until the next general sessions of the peace to be holden in and for the city or county in which such offence shall happen.

**II.** And whereas doubts have arisen and hereafter may arise, where authority is given to any justice or justices of the peace to commit offenders to the bridewell or house of correction for offences cognizable before them out of the general sessions of the peace, how long offenders may be there detained, and in what manner treated, where the time and manner of their punishment is not by law expressly directed, limited or appointed; Therefore, *Be it further enacted by the authority aforesaid,* That where any offenders shall be committed as aforesaid by virtue of any law now in being, or hereafter to be made, other than in cases of petit larceny, and the time and manner of their punishment is not expressly limited, directed and appointed, the said justice or justices shall commit such offender to the bridewell or house of correction, there to be kept to hard labour until the next general sessions of the peace, or until discharged by a due course of law; and it shall and may be lawful for two justices (of whom the justice who committed such offender to be one) to discharge such offender before the said general sessions of the peace, if they shall see cause; and if he or she shall not be so discharged, the said general sessions of the peace may either discharge him or her, or continue him or her in custody for such time as they shall see fit, not exceeding six months.

**III.** *And be it further enacted by the authority aforesaid,* That where any offender against this act shall be committed, as aforesaid, to the bridewell or house of correction, there to remain until the next general sessions of the

peace ; and the justices at such sessions shall, on examination of the circumstances of the case, adjudge such person to be a disorderly person within the intent and meaning of this act, they may, if they think convenient, order such disorderly person to be detained and kept in the said bridewell or house of correction to hard labour, for any further time not exceeding six months ; and during the time of such confinement, to be corrected by whipping, in such manner and at such times and places, as, according to the nature of such persons offence, they in their discretion shall think fit.

*Persons empowered to place out offenders, as servants, apprentices, mariners, or otherwise.*

IV. *And be it further enacted by the authority aforesaid,* That where any person offending against this act, shall have been committed, as aforesaid, to the bridewell or house of correction, there to remain until the next general sessions of the peace, if upon the examination of the person to be committed as aforesaid, the last legal place of settlement of such person cannot be found, the justice shall, at the said general sessions, order such persons to be detained and employed in the bridewell, or house of correction, until they can provide for themselves, or until the justices of the peace at their next general sessions of the peace, can place them out in some lawful calling, as servants, apprentices, mariners, or otherwise ; which the said general sessions of the peace are hereby empowered to do, in such manner as they shall think fit.

*Where there is no bridewell, gaols to be used as houses of correction, and the gaolers to be masters thereof.*

V. *And be it further enacted by the authority aforesaid,* That the several gaols in the respective cities and counties in this state, in which no bridewell, or house of correction, is or shall be built, shall be used and considered as houses of correction for all or any of the purposes in and by this act directed, with respect to houses of correction, and the government thereof, until there shall be such house or houses of correction built as aforesaid ; and the keepers of the respective gaols, for the time being, or such persons as they respectively shall appoint, shall be masters or keepers of such gaols as houses of correction, as aforesaid, and shall have the same authority, and be under the same regulations, as in this act are before given and provided, respecting houses of correction ; and all and every person and persons ordered to be sent to a house of correction, according to this act, shall be sent to and received in such gaols respectively, and there be kept, taken care of and governed, according to the directions of this act, until such house or houses of correction shall be provided as aforesaid.

VI. And whereas there are sometimes persons, who by lunacy or otherwise, are furiously mad, or are so far disordered in their senses that they may be dangerous to be permitted to go abroad ; Therefore, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for any two or

*Two justices may order lunatics and mad persons to be confined.*

more justices of the peace, where such lunatic or mad person shall be found, by warrant under their hands and seals, directed to the constables and overseers of the poor of the city or town, or some of them, to cause such person to be apprehended and kept safely locked up in some secure place within such city, or within the county in which such town shall lie, as such justices shall, under their hands and seals, direct and appoint ; and, if such justices shall find it necessary, to be there chained, if the last legal place of settlement shall be in such city, or in any town within such county ; and if the last legal place of settlement of such person shall not be in such city or county, then such person shall be sent to the place of his or her last settlement, in the manner directed in and by the laws relating to the poor, and shall be locked

or chained, by warrant from two justices of the city or county to which a person shall be so sent in manner aforesaid; and the reasonable charges apprehending, maintaining, keeping, and removing such person, shall be paid and paid by the overseers of the poor of the city or town in which a person shall be legally settled as aforesaid, in the manner in and by the laws directed: Provided always, That this act, or any thing therein contained, shall not extend, or be construed to extend to restrain or abridge power or authority of the chancellor of this state for the time being, touching or concerning such lunatics; or to restrain or prevent any friend or relation of such lunatic, from taking them under their own care and protection.

II. And whereas it often happens that disorderly persons wander from the places of their legal settlement, and are in circumstances sufficient way for their passage or journey home; Therefore, *Be it further enacted by the authority aforesaid*, That it shall be lawful for any justice or justices of peace, before whom any such disorderly person shall be brought, to order such disorderly person to be searched, and his or her bundle to be inspected by a constable, or overseer of the poor of such city or town, in the presence of such justice; and if it shall appear that any such disorderly person hath sufficient wherewithal to pay his or her passage or journey, either in whole or in part, to the city or town to which he or she shall belong, the said justice or justices shall order to much of the money so found, to be paid, or other effects found with and upon such disorderly person, to be sold and employed for and towards the expence of taking up and passing such disorderly person to his or her last legal place of settlement; returning the overplus (if any there be) after deducting the charges of such sale, to such disorderly person.

## C H A P. XXXII.

*An ACT concerning Amendments and Joinders.*

Passed 20th February, 1788.

**3**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That by the misprision of a clerk, in any place wheresoever it be, no record or process shall be annulled or discontinued by mistaking, in writing one syllable or one letter too much or too little: But as soon as the thing is perceived, by challenge of the party, or in other manner, it shall be immediately amended in due form, without giving advantage to the party that challengeth the same, because of such misprision. And the justices or judges before whom such plea or record is made, or shall be depending, as well by argument as by way of error, or otherwise, shall have power and authority to amend such record and process, as well after judgment as before judgment given, in any such plea, record or process, as long as the same record and process is before them. And further, That the judges and justices of the courts and places, in which any record, process, declaration, writ, plea, warrant of attorney, writ, panel or return, is or may be, while the same remains before them, shall have power to examine such records, declarations, counts, pleas, warrants of attorney, writs, panels and returns, by them and their clerks, and to reform and amend (in affirmance of the judgments of such records and processes) all that which to them, in their discretion, shall seem to be misprision of the clerks, in such record,

process, declaration, count, plea, warrant of attorney, writ, panel or return, so that by such misprision of the clerk, no judgment shall be reversed nor annulled. And if any record, process, declaration, count, plea, warrant of attorney, writ, panel or return, be certified defective, otherwise than according to the writing which thereof remaineth in the offices, court or places, from whence they be certified, the parties, in assurance of the judgments of such records and process, shall have advantage to alledge that the same writing is variant from the said certificate, and that being found and certified, the same variance shall be, by the said judges or justices, reformed and amended according to the first writing. And moreover, That the judges and justices before whom any misprision or default is or shall be found, in any record or process which now is, or hereafter shall be depending before them, or any of them, as well by way of error as otherwise, or in the returns of the same, made or to be made by sheriffs, coroners, or any other, by misprision of the clerks of any of the said courts, or by misprision of the sheriffs, under sheriffs, coroners, or their clerks, or other officers, clerks, or other ministers whatsoever, in writing one letter or one syllable too much or too little, shall have power to amend such defaults and misprisions, according to their discretion; and by examination thereof, by the said judges and justices, to be taken where they shall think needful: And also, that all such amendments may be made as well after a judgment given upon verdict, confession, nihil dicit, or non sum informatus, as upon matter of law pleaded.

II. *And be it further enacted by the authority aforesaid,* That for error assigned, or to be assigned, in any record, process, warrant of attorney, writ original or judicial, panel or return, for that in any places of the same there be ratures or interlineations, or that there be any addition, subtraction or diminution of words, letters or titles, or parcel of letters found in any such record, process, warrant of attorney, writ, panel or return, no judgment or record shall be reversed or annulled.

III. *And be it further enacted by the authority aforesaid,* That the record and process of pleas, real and personal, and of assises and certifications, whereof judgment is given and enrolled, or things touching such plea, shall in no wise be amended nor impaired by new entering of the clerks, either by the record or things certified, in no term after that such judgment in such pleas is given and enrolled.

IV. *And be it further enacted by the authority aforesaid,* That all pleas which shall be pleaded in any courts whatsoever in this state, shall be pleaded, shewed, defended, answered, debated, judged, entered and enrolled in the English tongue; and that all writs, process and returns thereof, and all proceedings thereon, and all pleadings, rules, orders, indictments, informations, inquisitions, presentments, verdicts, prohibitions, certificates, and all patents, charters, pardons, commissions, records, judgments, recognizances, bonds, rolls, entries, fines and recoveries, and all proceedings relating thereunto, and all proceedings whatsoever, in any courts of justice in this state, shall be in the English tongue and language only, and shall be written or printed in a good strong legible hand and character, and in words at length, and not abbreviated, except such abbreviations as are now commonly used in the English language. But it shall and may be lawful to express numbers by figures, in like manner as hath been heretofore, or is now commonly used in the said courts respectively, and to express the proper and known names of writs or other pro-

tests, or technical words in the same language as hath been commonly used, so as the same be written or printed in a common legible hand or character.

No person to be prejudiced by ancient terms and forms.

V. *And be it further enacted by the authority aforesaid,* That no person shall be prejudiced by the ancient terms and forms of pleaders, so that the matter of the action be fully shewed in the writ, declaration and pleadings.

After verdict, judgment not to be reversed for any mispleading, insufficient pleading or jeofail, &c.

VI. *And be it further enacted by the authority aforesaid,* That if any issue hath been or hereafter shall be tried, by the oath of twelve men or more, for the party plaintiff or demandant, or for the party tenant or defendant, bailiff in assise, vouchee, prayee-in-aid, or tenant by receipt, in any manner of action, suit, bill, plaint or demand, in any court of record, then the judges or justices by whom judgment thereof ought to be given, shall proceed and give judgment in the same, any mispleading, lack of colour, insufficient pleading, or jeofail; any miscontinuance or discontinuance, or misconceiving of process, misjoining of the issue, lack of warrant of attorney of the party against whom the issue shall happen to be tried, or any other default or negligence of any of the parties, or of their counsellors or attorneys, had or made to the contrary, notwithstanding. And the judgments thereof so to be had and given, shall stand in full strength and force, to all intents and purposes, according to the said verdict, without any reversal or undoing of the same by writ of error, or otherwise, in like form as though no such default or negligence had ever been had or committed. And further, That if any

Or for want of form, verdict of twelve men, or more, hath been or shall be given in any action, suit, bill, plaint or demand, in any court of record, the judgment thereupon shall not be stayed or reversed, by reason of any default in form, or lack of form, touching variance from the registor, or other defaults in form, in any writ original or judicial, count, declaration, plaint, bill, suit or demand, or for want of any writ, original or judicial, or by reason of any imperfect or insufficient return of any sheriff or other officer, or for want of any warrant of attorney, or by reason of any manner of de-

Or for variance in form, or want of averment, insufficient suggestion, misnaming of jurors, &c.

fault in process upon or after any aid-prayer, or voucher; nor shall any such record or judgment, after verdict, be reversed for any of the defects or causes aforesaid. And moreover, That if any verdict of twelve men, or more, hath been or hereafter shall be given for the plaintiff or demandant, or for the defendant or tenant, bailiff in assise, vouchee, prayee-in-aid, or tenant by receipt, in any action, suit, bill, plaint or demand, in any court of record, the judgment thereupon shall not be stayed or reversed, by reason of any variance in form only, between the original writ or bill, and the declaration, plaint or demand; or for lack of any averment of any life or lives of any person or persons, so as, upon examination, the said person be proved to be in life; or by reason that the venire facias, habeas corpora, or distringas, is awarded to a wrong officer, upon any insufficient suggestion, or by reason that any of the jury which tried the said issue, is misnamed, either in the christian name, surname, or addition, in any of the said writs, or in any return upon any of the said writs, so as, upon examination, it be proved to be the same man who was meant to be returned; or by reason that there is no return upon any of the said writs, so as a panel of the names of the jurors, be returned and annexed to the said writ or writs; or for that the sheriff's name, or other officer's name having the return thereof, is not set to the return of any such writ, so as, upon examination,



it be proved, that the said writ was returned by the sheriff or under sheriff, or any such other officer; or by reason that the plaintiff in any action of ejectment, or in any personal action or suit (being an infant under the age of twenty-one years) did appear by attorney therein, and the verdict pass for him or her; and also, that if any verdict of twelve men or more, hath been or shall be given in any action, suit, bill, plaint or demand, in any court of record, the judgment thereupon shall not be stayed or reversed for default in form or lack of form, or by reason that there are no pledges, or but one pledge to prosecute, returned upon the original writ; or because the name of the sheriff is not returned upon such original writ, or for default of entering pledges upon any bill or declaration; or for default of alledging the bringing into court any bond, bill, indenture or other deed whatsoever, mentioned in the declaration or other pleading; or for default of alledging the bringing into court letters testamentary, or letters of administration, or by reason of the omission of the words, *with force and arms*, or, *against the peace*, or for or by reason of the mistaking of the christian name or surname of the plaintiff or defendant, demandant or tenant, sum or sums of money, day, month or year, by the clerk in any bill, declaration or pleading, where the right name, surname, sum, day, month or year, in any writ, plaint, roll or record preceding, or in the same roll or record where the mistake is committed, is or are once truly and rightly alledged, and to which the party might have demurred and shewn the same for cause; nor for want of the averment or words, *and this he is ready to verify*, or, *and this he is ready to verify by the record*, or for not alledging, *as appears by the record*, or for that there is no right venue, so as the cause was tried by a jury of the proper county or place where the action is laid; nor shall any judgment after verdict, be reversed for want of entering, that the person against whom such judgment is given, *le in mercy*, or, *be taken*, or by reason that the words *be taken*, are entered for, *be in mercy*, or the words, *be in mercy*, are entered for *be taken*; nor for that in the judgment the words, *it is granted*, are entered for, *it is considered*; nor for that the increase of costs after a verdict in any action, or upon a nonsuit in replevin, are not entered to be at the request of the party for whom the judgment is given; nor by reason that the costs in any judgment whatsoever, are not entered to be by the consent of the plaintiff; but that all such omissions, variances, defects, and all other matters of like nature, not being against the right of the matter of the suit, nor whereby the issue or trial are altered, shall be amended by the justices, or other judges of the courts where such judgments are or shall be given, or whereunto the record is or shall be removed by writ of error.

VII. *And be it further enacted by the authority aforesaid,*

On demurrer, court to give judgment as the right of the cause shall appear, without regarding want of form not specially shewn as cause of demurrer.

That where any demurrer hath been, or shall be joined and entered in any action or suit in any court of record in this state, the judges or justices shall proceed and give judgment, according as the very right of the cause and matter in law shall appear unto them, without regarding any imperfection, omission, defect or want of form, in any writ, return, plaint, declaration, or other pleading, process, or course of proceeding whatsoever, except those only which the party demurring shall specially and particularly set down and express, together with his demurrer, as causes of the same, notwithstanding that such imperfection, omission or defect might have heretofore been taken to be matter of substance, so as sufficient matter appear in the pleadings, upon which the court may give judgment according to the very right of the cause; and therefore no advantage or exception shall be

taken of, or for an immaterial traverse, or of or for the default of entering pledges upon any bill or declaration, or of or for the default of alledging the bringing into court any bond, bill, indenture, or other deed whatsoever, mentioned in the declaration or other pleading, or of or for the default of alledging the bringing into court letters testamentary, or letters of administration, or of or for the omission of the words, *with force and arms*, or, *against the peace*, or either of them; or of or for want of the averment or words, *and this he is ready to verify*, or, *and this he is ready to verify by the record*; or of or for not alledging, *as appears by the record*; but the court shall give judgment according to the very right of the cause as aforesaid, without regarding any such imperfections, omissions or defects, or any other matter of like nature, except the same shall be specially and particularly set down and shewn for cause of demurrer, and that no judgment shall be reversed by any writ of error for any such imperfection, omission, defect or want of form as is aforesaid, except such only as are before excepted. And further, That after demurrers joined, the court where the same are or shall be depending, shall and may, by virtue of this act, from time to time, amend all and every such imperfections, omissions, defects and want of form as are before mentioned, other than those only which the party demurring shall specially and particularly express and set down, together with his demurrer, as aforesaid.

VIII. *And be it further enacted by the authority aforesaid*, That every thing herein before contained, shall extend to all judgments which have been or shall be entered upon confession, nihil dicit, or non sum informatus, in any court of record; and no such judgment shall be reversed, nor any judgment upon any writ of enquiry of damages executed thereon, be stayed or reversed, for or by reason of any imperfection, omission, defect, matter or thing whatsoever, which would have been aided and cured by this act, in case a verdict of twelve men had been given in the said action or suit, so as there be an original writ or bill duly filed according to law.

IX. *And be it further enacted by the authority aforesaid*, That all writs of error wherein there shall be any variance from the original record, or other defect, may and shall be amended, and made agreeable to such record, by the respective courts where such writ or writs of error are or shall be made returnable. And that where any verdict hath been or shall be given in any action, suit, bill, plaint or demand, in any court of record, the judgment thereupon shall not be stayed or reversed for any defect or fault, either in form or substance, in any bill, writ original or judicial, or for any variance in such writs from the declaration or other proceedings.

X. *And be it further enacted by the authority aforesaid*, That this act shall extend to all suits in any court of record, for the recovery of any debt due to the people of this state, or for any debt, duty or revenue belonging to them; and also to all writs of mandamus and informations, in the nature of a quo warranto, and to the proceedings thereon.

XI. *Provided always, and be it further enacted by the authority aforesaid*, That this act, or any thing therein contained, shall not extend to any writ, declaration or suit of appeal of felony or murder, nor to any indictment or presentment of felony, murder, treason, or other matter, nor to any process upon any of them; nor to any writ, bill, action or information, upon any popular or penal statute; nor to any outlawry or any process thereupon, or in order thereunto.

C H A P. XXXIII.

*An ACT for giving Relief on Promissory Notes.*

Passed 20th February, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all notes in writing already made, or hereafter to be made and signed by any person or persons, or by the factor or agent of any merchant or trader, who is usually intrusted by him, her or them, to sign such promissory note for him, her or them, whereby such person or persons, his, her or their factor or agent, as aforesaid, doth or shall promise to pay to any other person or persons, body politic or corporate, his, her or their order, or unto bearer, any sum of money mentioned in such note, shall be taken and construed to be, by virtue thereof, due and payable to any such person or persons, body politic or corporate, to whom the same is or shall be made payable; and also every such note, payable to any person or persons, body politic or corporate, his, her or their order, shall be assignable or endorseable over to any other person or persons, body politic or corporate; and that the person or persons, body politic or corporate, to whom such sum of money is or shall be, by such note, made payable, shall and may maintain an action for, and recover the money made payable by such note against the person or persons who, or whose factor or agent as aforesaid, signed the same; and that any person or persons, body politic or corporate, to whom such note that is payable to any person or persons, body politic or corporate, his, her or their order, is or shall be endorsed or assigned, or the money therein mentioned, ordered to be paid by endorsement thereon, shall and may maintain his, her or their action for such sum of money, either against the person or persons who, or whose factor or agent as aforesaid, signed such note, or against any of the persons who endorsed the same; and in every such action the plaintiff or plaintiffs shall recover his, her or their damages and costs of suit: And if such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her or them, the defendant or defendants shall recover his, her or their costs against the plaintiff or plaintiffs; and every such plaintiff or plaintiffs, or defendant or defendants, respectively recovering, may sue out execution for such damages and costs, by *capias ad satisfaciendum*, or *fiery facias*, as is usual in other cases.

C H A P. XXXIV.

*An ACT for preventing any Inconveniences that may happen by Privilege.*

Passed 20th February, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, any person or persons shall and may commence and prosecute any action or suit in any court of record in this state, against any senator or member of assembly for the time being, or against their or any of their servants, or any other person entitled to the privilege of either house of the legislature, at any time from and immediately after the prorogation or adjournment of the legislature, until a new legislature shall meet, or the same be re-assembled; and from and immediately after any adjournment of both houses of the legislature for above the space of fourteen days, until both houses shall meet or re-assemble; and that the said

When members, &c. of the legislature may be sued.

respective courts of record shall and may, after such prorogation or adjournment as aforesaid, proceed to give judgment, or to make final orders, decrees and sentences, and award execution thereupon, as such court may now lawfully do against other persons, liable to be arrested and imprisoned; any law, usage or custom to the contrary thereof notwithstanding. Provided always, That no member of the legislature, or his servant or servants, shall be liable to arrest, on any civil process, while coming to, or returning from the place where the legislature shall sit, to the place of such member's residence, but such time of coming or returning, shall not exceed fourteen days.

II. *And be it further enacted by the authority aforesaid,* That where any plaintiff or plaintiffs shall, by reason or occasion of any privilege of either house of the legislature, be stayed or prevented from prosecuting any suit by him, her or them commenced, such plaintiff or plaintiffs shall not be barred by any statute of limitation, or nonsuited, dismissed, nor his, her or their suit discontinued for want of prosecution of the suit, by him, her or them begun; but may, after the time aforesaid, be at liberty to proceed to judgment and execution thereupon, as aforesaid.

III. And whereas it is just and reasonable, that persons employed in offices and places of public trust, should at all times be accountable for any misdemeanors therein, and the public justice of the state requireth a vigorous prosecution of such offenders; Therefore, *Be it further enacted by the authority aforesaid,* That any action or suit shall and may be commenced, and prosecuted in any court of record in this state, against any officer or person intrusted or employed in the revenue of this state, or any part or branch thereof, or in any other office or place of public trust, for any forfeiture, misdemeanor or breach of trust, of, in or relating to such office or place of trust, or any penalty imposed by law to enforce the due execution thereof; and that no such action, suit, or any other process, proceeding, judgment or execution thereupon, although such officer or person shall be a member of the senate or assembly, shall be impeached, stayed or delayed, by or under colour or pretence of any privilege of either house of the legislature.

Officers in the revenue, or in any public trust, may be prosecuted for any forfeiture, or breach of trust, and shall not be allowed privilege, tho' members of the legislature.

## C H A P. XXXV.

### *An ACT to prevent excessive and deceitful Gaming.*

Passed 20th February, 1788.

**W**HEREAS the laws now in force, for preventing the mischiefs which happen by gaming, having been found insufficient; For remedy whereof,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That all

notes, bills, bonds, judgments, mortgages, or other securities or conveyances whatsoever, given, granted, drawn or entered into, or executed by any person or persons whatsoever, where the whole, or any part of the consideration of such notes, bills, bonds, judgments, mortgages, or other securities or conveyances, shall be for any money or other valuable thing or things whatsoever won by gaming or playing at cards, dice, tables, billiards,

All notes, bills, bonds, mortgages and securities for money, &c. won by gaming, or betting on games, to be void.

tennis, bowls, shuffle-board, or other game or games whatsoever; or by betting on the sides or hands of such as do play at any of the games aforesaid; or for the reimbursing or repaying any money knowingly lent or advanced for such gaming or betting as aforesaid, or lent or advanced at the time and place of such play, to any person or persons so gaming or betting as aforesaid; or that shall, during such play, so play or bet, shall be utterly void, frustrate, and of none effect, to all intents and purposes whatsoever; any law or usage to the contrary thereof in any wise notwithstanding. And that where such mortgages, securities or other conveyances, shall be of lands, tenements or hereditaments, or shall be such as incumber or affect the same, such mortgages, securities or other conveyances shall enure, and be to, and for the sole use and benefit of, and shall devolve upon such person or persons as should or might have, or be entitled to such lands, tenements or hereditaments, in case the grantor or grantors thereof, or other person or persons so incumbering the same, had been naturally dead; and as if such mortgages, securities or other conveyances, had been made to such person or persons, so to be entitled after the decease of the person or persons so incumbering the same; and that all grants and conveyances to be made for the preventing of such lands, tenements or hereditaments, from coming to or devolving upon such person or persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect, to all intents and purposes whatsoever.

II. *And be it further enacted by the authority aforesaid,*

*Any person losing money, or other things to the value of ten pounds, or less, by gaming, may recover the same by suit, from the winner.*

That any person or persons whatsoever, who shall, at any time or sitting, by playing at cards, dice, tables, billiards, tennis, bowls, shuffle-board, or other game or games whatsoever, or by betting on the sides or hands of such as do play at any of the games aforesaid, lose to any one or more person or persons so playing or betting, in the whole, the sum of ten pounds in money, or any other thing or things of the value of ten pounds, or in money, and any other thing or things to the amount of ten pounds, lawful money of this state, and shall pay or deliver the same, or any part thereof, it shall and may be lawful for the person or persons so losing and paying or delivering the same money and other thing or things, or either of them, within three months next thereafter, to sue for and recover the money or value of the thing or things so lost and paid, or delivered, or any part thereof, from the respective winner or winners thereof, with costs of suit, by action of debt founded on this act, in any court of record within this state, having cognizance of the same; in which actions it shall be sufficient for the plaintiff or plaintiffs to allege in his, her or their declaration, that the defendant or defendants is or are indebted to the plaintiff or plaintiffs, in the monies so lost and paid, or in the amount or value of the thing or things so lost and delivered, for so much money had and received by such defendant or defendants, to the plaintiff's use, whereby an action hath accrued to the plaintiff or plaintiffs, according to the form of this act, without setting forth the special matter: And in case the person or persons who shall lose such money, or other thing or things as aforesaid, shall not, within the time aforesaid, really and bona fide, and without covin or collusion, sue and prosecute, with effect, for the money, or other thing or things so by him or them lost and paid, or delivered as aforesaid, it shall and may be lawful for any person or persons, by any such action or suit as aforesaid, to sue for and recover the same, and treble the amount or value thereof, with costs of suit,

against such winner or winners as aforesaid; the one moiety of such forfeiture, when recovered, to be paid to the overseers of the poor of the city or town in which such offence shall be committed, and the other moiety to the person or persons who will sue for the same.

III. And for the better discovery of the monies, or other thing or things so won, and to be sued for and recovered as aforesaid; *Be it further enacted by the authority aforesaid*, That all and every person or persons, who, by virtue of this act, shall or may be liable to be sued for the same, shall be obliged and compellable to answer, upon oath, such bill or bills as shall be exhibited and filed in any court of equity, against him or them, for discovering the sum and sums of money, or other thing or things so won at play as aforesaid, contrary to the true intent and meaning of this act. And it shall and may be lawful for such court in which such bill shall be brought, exhibited and filed, to proceed and decree thereupon, and enforce such decree or decrees as shall be made in pursuance thereof, in the same manner as is practised and used in other causes, upon bills and answers depending in the courts where such bill shall be so brought, exhibited and filed.

IV. *Provided always, and be it further enacted by the authority aforesaid*, That upon the discovery and re-payment, or re-delivery of the money, or other thing or things so to be discovered and repaid, or re-delivered as aforesaid, the person or persons who shall so discover and re-pay, or re-deliver the same as aforesaid, shall be acquitted, indemnified and discharged from any further or other punishment, forfeiture or penalty, which he, she or they may have incurred by the playing for or winning such money, or other thing or things, so discovered and re-paid, or re-delivered as aforesaid; any former law, or any thing in this act contained to the contrary thereof in any wise notwithstanding.

V. *And be it further enacted by the authority aforesaid*, That if any person or persons whatsoever, do or shall, by any fraud or shift, collusion, circumvention, deceit, or unlawful device or ill practice whatsoever, in playing at or with cards, dice, or any of the games aforesaid, or in or by bearing a share or part in the stakes, wagers or adventures in, or betting on the sides or hands of such as do or shall play as aforesaid, win, obtain or acquire to him or themselves, or to any other or others, any sum or sums of money, or other valuable thing or things whatsoever; or shall, at any one time or

Persons winning by fraud, deceit, &c. any sum of money, or other thing,  
Or winning at one sitting above the value to forfeit five times the value.

sitting, win of any one or more person or persons whatsoever, above the sum or value of ten pounds, that then every person or persons so winning by such ill practice as aforesaid, or winning at any one time or sitting, above the sum or value of ten pounds; and being convicted of any of the said offences, upon any indictment or information to be exhibited against him, her or them, for that purpose, shall forfeit five times the value of the sum or sums of money, or other thing or things so won as aforesaid: and in case of such ill practice as aforesaid, the person or persons so winning as aforesaid, shall be deemed infamous, and suffer such corporal punishment as in cases of wilful and corrupt perjury; and such penalty shall and may be recovered by any person or persons who shall sue for the same, in manner aforesaid; and when recovered, shall be appropriated as herein above directed.

VI. *And be it further enacted by the authority aforesaid*, That if any person shall win or lose at play, or by betting,

Winners by fraud or deceit, deemed infamous, and to suffer corporal punishment.  
Persons winning or losing at a time, or

at in 24 hours, may  
be forfeited, and fined  
the times the value.

at any time, the sum or value of ten pounds, or upwards ;  
or within the space of twenty-four hours, the sum or value  
of twenty pounds, such person shall be liable to be indicted  
for such offence, at any time within one year after it is committed, either in  
the supreme court, or in any court of oyer and terminer or gaol delivery ;  
and being thereof legally convicted, shall be fined five times the value of the  
sum so lost or won ; which fine (after such charges as the court shall judge  
reasonable to allow to the prosecutors and witnesses out of the same) shall be  
paid to the overseers of the poor of the city or town where such offence shall  
be committed, for the use of the poor thereof.

VII. *Provided always, and be it further enacted by the authority afore-  
said,* That if any person so offending, shall discover any other person so of-  
fending, so that such person be thereupon convicted, the person so discover-  
ing, shall be discharged and indemnified from all penalties, by reason of any  
such offence, if such person so discovering hath not been before convicted  
thereof, and he shall be admitted as an evidence to prove the same.

VIII. *And be it further enacted by the authority aforesaid,* That no person  
or persons, others than the parties, plaintiff or defendant in the cause, shall  
be incapacitated from being a witness, touching any offence committed  
against this act, by reason of having played, betted or staked at any game  
prohibited by this act.

IX. And whereas divers lewd and dissolute persons live at great expences,  
having no visible estate, profession or calling, to maintain themselves, but  
support those expences by gaming only ; Therefore, *Be it further enacted by  
the authority aforesaid,* That it shall and may be lawful for

any two or more justices of the peace, in any city or coun-  
ty within this state, to cause to come or be brought before  
them, every person within their respective cities or counties,  
whom they shall have just cause to suspect to have no visible  
estate, profession or calling, to maintain themselves by, but who do, for the  
most part, support themselves by gaming ; and if such person or persons shall  
not make it appear to such justices, that the principal part of his or their ex-  
pences are not maintained by gaming, that then such justices shall require of  
him or them, sufficient sureties for his or their good behaviour for the space  
of twelve months ; and in default of his or their finding such sureties, to com-  
mit him or them to the common gaol of the city or county, there to remain  
until he or they shall find such sureties as aforesaid.

X. *And be it further enacted by the authority aforesaid,* That if such person  
or persons so finding sureties as aforesaid, shall, during the time for which he  
or she shall be so bound to the good behaviour, at any one time or sitting,  
play or bet for any sum or sums of money, or other thing, exceeding in the  
whole the sum or value of twenty shillings, that then such playing shall be  
deemed or taken to be a breach of his, her or their good behaviour, and a  
forfeiture of the recognizance given for the same.

C H A P. XXXVI.

An ACT concerning Distresses, and for the better Security and more easy  
Recovery of Rents and Renewal of Leases, and to prevent Frauds by Tenants.

Passed 21st February, 1788.

BE it enacted by the people of the state of New-York, represented in senate  
and assembly, and it is hereby enacted by the authority of the same,

That all distresses made or taken for any cause whatsoever, shall be reasonable, and not too great; and whosoever shall take great and unreasonable distresses, shall be punished by fine for the excess of such distresses, and shall answer the damages to the party aggrieved.

II. *And be it further enacted by the authority aforesaid,* That no person shall take any distress wrongfully, or distrain in the highway or common street, or cause any distress that he or she shall take, to be driven out of the county where it shall be taken; and every person who shall do so, of his or her own authority, and without judgment, shall be punished by fine, as for a thing done against the peace, and shall answer the damages to the party aggrieved.

III. *And be it further enacted by the authority aforesaid,* That no person shall be distrained for any cause whatsoever, by his or her beasts of the plough, or sheep, or by the implements of his or her trade, but until other distress or chattels whereof the debt may be levied, or sufficient for the demand, can be found (except the distraining and impounding beasts found on the ground of any person damage feasant, according to the custom of this state.

IV. *And be it further enacted by the authority aforesaid,* That when any beasts are distrained for any cause whatsoever, they shall be put in open pound, in the same county where they shall be taken; and they to whom the beasts do belong, may give them their feeding without disturbance, so long as they shall be impounded.

V. *And be it further enacted by the authority aforesaid,* That where any goods or chattels shall be distrained for any rent reserved and due upon any demise, lease, or contract whatsoever, and the tenant or owner of the goods so distrained, shall not, within five days next after such distress taken, and notice thereof (with the cause of such taking) left at the chief mansion house, or other most notorious place on the premises, charged with the rent distrained for, replevy the same, with sufficient security to be given to the sheriff according to law; that then, in such case, after such distress and notice as aforesaid, and expiration of the said five days, the person distraining shall and may, with the sheriff or under sheriff of the county, or with the constable, or other officer of the town or place where such distress shall be taken (who are hereby required to be aiding and assisting therein) cause the goods and chattels so distrained, to be appraised by two sworn appraisers (whom such sheriff, under sheriff, constable, or other officer as aforesaid, are hereby empowered to summon for that service, and to swear well and truly to appraise the same, according to the best of their understanding) and after such appraisement, shall and may lawfully sell at public vendue, the goods and chattels so distrained, for the best price that can be gotten for the same (giving three days public notice) towards satisfaction of the rent for which the said goods and chattels shall be distrained, and of the charges of such distress, appraisement and sale; leaving the overplus (if any) in the hands of the said sheriff, under sheriff, constable or officer, for the owner's use.

VI. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person or persons having rent in arrear, and due upon any such demise, lease or contract as aforesaid, to seize and secure any sheaves or cocks of corn, or corn loose, or in the straw, or hay lying or being in any barn or granary,

No distress to be taken wrongfully, or in the highway, or to be driven out of the county, on pain of fine and damages.

Beasts of the plough, sheep, and implements of trade, not to be distrained while there is other distress.

Corn or hay may be distrained for rent.



or upon any hovel, stack or rack, or elsewhere, upon any part of the land charged with such rent, and to lock up or detain the same, in the place where the same shall be found, for and in the nature of a distress, until the same shall be replevied, upon such security to be given as aforesaid; and in default of replevying the same as aforesaid, within the time aforesaid, to sell the same after the appraisement thereof, in manner as above directed. And further,

It shall be lawful for such landlord or lessor, to take and seize as aforesaid, any cattle or stock of such tenant or tenants, feeding or depasturing upon any common appendant, or appurtenant, or any ways belonging to the premises demised or holden; and also to take and seize all sorts of corn and grass, roots, or other produce growing or being thereon, as distress for arrears of rent, and the same to cut, gather, make, cure, carry, and lay up, in some convenient place on the premises; and for want thereof in some other place, to be procured by such landlord (due notice of such place being given to such tenant or lessee, or left at his place of abode) and within the time and in manner herein before directed, to appraise, sell or dispose of the same.

*And cattle feeding on common belonging to the demised premises, and corn, grass, roots, and other produce thereon, may also be distrained for rent.*

VII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person, lawfully taking any distress, to impound or otherwise secure the distress so made, of whatever nature or kind it may be, in such place, or on such part of the premises as shall be most convenient for the purpose, and to appraise, sell and dispose of the same upon the premises, in like manner as any person taking a distress for rent, may do off the premises, by virtue of this act; and it shall be lawful for any person or persons to come and go to and from such place or part of the said premises, in order to view, appraise and buy, and also to carry off and remove the same.

*Distresses may be impounded, or secured and sold on the premises.*

VIII. *And be it further enacted by the authority aforesaid,* That upon any pound breach, or rescous of goods or chattels distrained for rent, the person or persons grieved thereby, shall, in a special action upon the case for the wrong thereby sustained, recover his and their treble damages and costs of suit, against the offender or offenders in any such rescous or pound breach, any or either of them, or against the owner of the goods distrained, in case the same be afterwards found to have come to his use or possession.

*Treble damages and costs to be recovered in any pound breach, or rescous of the goods distrained.*

IX. *Provided always, and be it further enacted by the authority aforesaid,* That in case any such distress and sale as aforesaid, shall be made by virtue or colour of this present act, for rent pretended to be in arrear and due, where in truth no rent is in arrear or due to the person or persons distraining, or to him or them in whose name or names, or right, such distress shall be taken as aforesaid, that then the owner of such goods or chattels distrained and sold as aforesaid, his executors or administrators, shall and may, by action of trespass, or upon the case, to be brought against the person or persons so distraining any or either of them, his or their executors or administrators, recover double of the value of the goods or chattels so distrained and sold, together with full costs of suit.

*If goods are distrained and sold where no rent is due, the owner to recover double the value, with costs.*

X. *And be it further enacted by the authority aforesaid,* That where any distress shall be made for any kind of rent justly due, and any irregularity or unlawful act shall be afterwards done by the party or parties distraining, or by his, her or their agent or agents, the distress itself shall not be therefore

deemed to be unlawful, nor the party or parties making it, be deemed a trespasser or trespassers ab initio : But the party or parties aggrieved by such unlawful act or irregularity, shall and may recover full satisfaction for the special damages he, she or they, shall have sustained thereby, and no more, in an action of trespass, or on the case, at the election of the plaintiff or plaintiffs. Provided always, That where the plaintiff or plaintiffs shall recover in such action, he, she or they shall be paid his, her or their full costs of suit, and have all the like remedies for the same as in other cases of costs : But that no tenant or tenants, lessee or lessees, shall recover in any action for any such unlawful act or irregularity as aforesaid, if tender of amends hath been made, by the party or parties disfraining, his, her or their agent or agents, before such action brought.

XI. *And be it further enacted by the authority aforesaid,* That in all actions of trespass, or upon the case, to be brought against any person or persons entitled to any rents or services of any kind, his, her or their bailiff, or receiver, or other person or persons, relating to any entry by virtue of this act, or otherwise, upon the premises, chargeable with such rents or services, or to any distress or seizure, sale or disposal of any goods or chattels thereupon, it shall and may be lawful to and for the defendant or defendants, in such actions, to plead the general issue, and give the special matter in evidence; any law or usage to the contrary notwithstanding. And in case the plaintiff or plaintiffs shall become nonsuit, discontinue his, her or their action, or have judgment against him, her or them, the defendant or defendants shall recover double costs of suit.

XII. *And be it further enacted by the authority aforesaid,* That no goods or chattels whatsoever, in or upon the demised premises, shall be liable to be taken by virtue of any execution, on any pretence whatsoever, unless the party at whose suit the said execution is sued out, shall, before the removal of such goods from off the said premises, by virtue of such execution, pay to the landlord of the said premises, or his bailiff, all and every sum or sums of money due for rent for the said premises, at the time of the taking such goods or chattels, by virtue of such execution ; provided the said arrears of rent do not amount to more than one year's rent : And in case the said arrears shall exceed one year's rent, then the said party, at whose suit such execution is sued out, paying the said landlord, or his bailiff, one year's rent, may proceed to execute his judgment, as he might have done before the making of this act ; and the sheriff, or other officer, is hereby empowered and required to levy and pay to the plaintiff, as well the money so paid for rent, as the execution money.

XIII. *And be it further enacted by the authority aforesaid,* That in case any such lessee, for life or lives, term of years, at will, or otherwise, shall convey or carry off, or from such demised premises, his or her goods or chattels, leaving the rent unpaid, it shall and may be lawful for such lessor or landlord, or any person or persons by him or her for that purpose lawfully empowered, within the space of thirty days next after such conveying away, or carrying off such goods or chattels as aforesaid, to take and seize such goods and chattels, wherever the same shall be found, as a distress for the said arrears

Goods not liable to execution, unless party pay arrears of rent to landlord.

Not exceeding one year's rent.

And sheriff to levy the debt and rent so paid.

Goods carried off the premises, may be seized within 30 days after their removal.

of rent ; and the same to sell, or otherwise dispose of, in such manner as if the said goods and chattels had actually been distrained by such lessor or landlord, in and upon such premises, for such arrears of rent ; any law, custom or usage, to the contrary in any wise notwithstanding. Provided nevertheless, That nothing in this act contained, shall extend or be construed to extend to empower such lessor or landlord to take or seize any goods or chattels as a distress for arrears of rent, which shall be sold bona fide, and for a valuable consideration, before such seizure made, to any person not privy to such fraud ; any thing herein contained to the contrary notwithstanding.

XIV. And to deter tenants from such conveying away their goods and chattels, leaving the rent unpaid, and others from wilfully aiding or assisting therein, or concealing the same ; *Be it further enacted by the authority aforesaid,* That if any such tenant or lessee shall remove and convey away his or her goods or chattels, as aforesaid, or if any person or persons shall wilfully and knowingly aid or assist any such tenant or lessee in such conveying away carrying off any part of his or her goods or chattels, or in concealing the same, all and every person or persons, so offending, shall forfeit and pay to the landlord or landlords, lessor or lessors, his, her or their heirs or assigns, from whose estate such goods and chattels were so carried off as aforesaid, double the value of the goods by him, her or them respectively carried off, or concealed, as aforesaid ; to be recovered by action of debt in any court of record.

*Tenants carrying away their goods, leaving the rent unpaid, and persons assisting therein, to forfeit double the value of such goods.*

XV. *And be it further enacted by the authority aforesaid,* That where any goods or chattels shall be conveyed or carried away, as aforesaid, by any tenant or tenants, lessee or lessees, his, her or their servant or servants, agent or agents, or other person or persons, aiding or assisting therein, shall be put, placed or kept in any house, barn, stable, out-house, yard, close or place, locked up, fastened or otherwise secured, so as to prevent such goods or chattels from being taken and seized as a distress for arrears of rent, it shall and may be lawful for the landlord or landlords, lessor or lessors, his, her or their heirs or assigns, or his, her or their steward, bailiff, receiver, or other person or persons empowered to take and seize, as a distress for rent, such goods and chattels (first calling to his, her or their assistance, the constable or other peace officer of the town or place where the same shall be suspected to be concealed, who are hereby required to aid and assist therein, and in case of a dwelling-house, oath being also first made before some justice of the peace, of a reasonable ground to suspect that such goods or chattels are therein) in the day time, to break open, and enter into such house, barn, stable, out-house, yard, close or place, and to take and seize such goods and chattels for the said arrears of rent, as he, she or they might have done by virtue of this act, if such goods and chattels had been put in any open field or place.

*Actions of debt may be brought for rent on leases for life.*

XVI. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person or persons having any rent in arrear or due upon a lease or demise for life or lives, to bring an action or actions of debt for such arrears of rent, in the same manner as they might have done in case such rent was due and reserved upon a lease for years.

XVII. And whereas, tenants pour autre vie, and lessees for years, or at will, frequently hold over the tenements to them demised, after the deter-

from thenceforward, pay to the landlord or lessor, his or her heirs or assigns, double the rent or sum which he, she or they should otherwise have paid ; to be levied, sued for, and recovered at the same times, and in the same manner as the single rent or sum, before the giving such notice, could be levied, sued for, or recovered ; and such double rent or sum shall be continued to be paid during all the time such tenant or tenants shall continue in possession, as aforesaid.

XXIII. And whereas great inconveniences may happen to lessors and landlords, in cases of re-entry for non-payment of rent, by reason of the many niceties that attend re-entries, at common law ; and for as much as when a legal re-entry is made, the landlord or lessor must be at the expence, charge and delay of recovering in ejectment, before he can obtain the actual possession of the demised premises ; For remedy whereof, *Be it further*

*enacted by the authority aforesaid,* That in all cases between landlord and tenant, as often as it shall happen that one half year's rent shall be in arrear, and the landlord or lessor, to whom the same is due, hath right, by law, to re-enter for the non-payment thereof, such landlord or lessor shall and may, without any formal demand or re-entry, serve a declaration in ejectment for the recovery of the demised premises ; or in case the same cannot be legally served, or no tenant be in actual possession of the premises, then affix the same upon the door of any demised messuage ; or in case such ejectment shall not be for the recovery of any messuage, then upon some notorious place of the lands, tenements or hereditaments, comprised in such declaration in ejectment ; and such affixing shall be deemed legal service thereof ; which service, or affixing such declaration in ejectment, shall stand in the place and stead of a demand and re-entry ; and in case of judgment against the casual ejector, or nonsuit for not confessing lease, entry and ouster, it shall be made appear to the court where the said suit is depending, by affidavit, or be proved upon the trial, in case the defendant appears, that half a year's rent was due before the said declaration was served, and that no sufficient distress was to be found on the demised premises, countervailing the arrears then due, and that the lessor or lessors in ejectment, had power to re-enter ; then, and in every such case, the lessor or lessors in ejectment, shall have judgment and execution, in the same manner as if the rent in arrear had been legally demanded, and re-entry made ; and in case the lessee or lessees, his, her or their assignee or assignees, or other person or persons claiming or deriving title under the said lease, shall suffer judgment on such ejectment, and execution to be executed thereon, without paying the rent and arrears, together with full costs, and without filing any bill or bills for relief, in equity, within six calendar months after such execution executed ; then, and in such case, the said lessee or lessees, his, her or their assignee or assignees, and all other persons claiming and deriving title under the said lease, shall be barred and foreclosed from all relief or remedy in law or equity, other than by writ of error, for reversal of such judgment, in case the same shall be erroneous ; and the said landlord or lessor shall, from thenceforth, hold the same demised premises, discharged from such lease or contract ; and if on such ejectment, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall be nonsuited therein, except for the not confessing lease, entry and ouster, then, and in every such case, such defendant or defendants shall have and recover his, her and their full costs. Provided always, That nothing herein contained shall extend to bar the right of any mort-

Where one half year's rent is in arrear, the landlord having right to re-enter, may recover by ejectment.

Not to bar the right of any mortgagee who

is not in possession, gagee or mortgagees, of such lease or any part thereof, who shall not be in possession, so as such mortgagee or mortgagees shall and do, within six calendar months after such judgment obtained and execution executed, pay all rent in arrear, and all costs and damages sustained, by such lessor, or person or persons entitled to the remainder or reversion, as aforesaid, and perform all the covenants and agreements, which on the part and behalf of the first lessee or lessees, are and ought to be performed.

No injunction to file to stop proceedings at law, unless the lessee brings into court the rent due, and costs.

XXIV. *And be it further enacted by the authority aforesaid,* That in case the said lessee or lessees, his, her or their assignee or assignees, or other person or persons claiming any right, title or interest, in law or equity, of, in or to the said lease, shall, within the time aforesaid, file one or more bill or bills

for relief, in any court of equity, such person or persons shall not have or continue any injunction against the proceedings at law on such ejectment, unless he, she or they do, or shall, within forty days next after a full and perfect answer shall be filed, by the lessor or lessors of the plaintiff in such ejectment, bring into court and lodge with the proper officer, such sum and sums of money, as the lessor or lessors of the plaintiff in the said ejectment, shall, in his, her or their answer, swear to be due, and in arrear, over and above all just allowances; and also the costs taxed in the said suit, there to remain until the hearing of the cause, or to be paid out to the lessor or landlord, on good security, subject to the decree of the court; and in case such bill or bills shall be filed within the time aforesaid, and after the execution is

Let the lessor be accountable only for actual profits.

executed, the lessor or lessors of the plaintiff, shall be accountable only for so much and no more, as he, she or they shall, really and bona fide, without fraud, deceit or wilful neglect, make of the demised premises, from the time of his, her or their entering into the actual possession thereof; and if what shall be so made by the lessor or lessors of the plaintiff, happen to be less than the rent reserved on the said lease, then the said lessee or lessees, his, her or their assignee or assignees, before he, she or they shall be restored to the possession or possessions, shall pay such lessor or lessors, or landlord or landlords, what the money, so by them made, fell short of the reserved rent, for the time such lessor or lessors of the plaintiff, or landlord or landlords, held the said lands.

Proceedings in ejectment to cease, on tenants paying the rent and costs.

XXV. *Provided always, and be it further enacted by the authority aforesaid,* That if the tenant or tenants, his, her or their assignee or assignees, shall, at any time before the trial in such ejectment, pay, or tender to the lessor or landlord, his executors or administrators, or his, her or their attorney, in that cause, or pay into the court where the same cause is depending, all the rent and arrears, together with the costs, then, and in such case, all further proceedings on the said ejectment, shall cease and be discontinued; and if such lessee or lessees, his, her or their executors, administrators or assigns, shall, upon such bill, filed as aforesaid, be relieved in equity, he she or they shall have, hold and enjoy the demised lands, according to the lease thereof made, without any new lease to be thereof made to him, her or them.

XXVI. *And for making the renewal of leases more easy for the future, Be it further enacted by the authority aforesaid,* That in case any lease shall be duly surrendered, in order to be renewed, and a new lease made and executed by the chief landlord or landlords, the same new lease shall, without a surrender of all or any the under-leases, be as good and valid, to all intents and purpo-

Tenants relieved in equity, to hold lands without a new lease.

New leases good and valid without surrender of under-leases.

So, as if all the under-leases derived thereout, had been like-wise surrendered at or before the taking of such new lease ; and all and every person or persons, in whom any estate for life or lives, or for years, shall, from time to time, be vested by virtue of such new lease, and his, her and their executors and administrators, shall be entitled to the rents, covenants and duties, and have like remedy for recovery thereof ; and the under-lessees shall hold and enjoy the demised premises respectively, as if the original leases, out of which the respective under-leases are derived, had been still kept on foot and continued ; and the chief landlord or landlords shall have and be entitled to such and the same remedy, by distress or entry, in and upon the demised premises, for the rents and duties reserved by such new lease, so far as the same exceed not the rents and duties reserved in the lease out of which such under-lease was derived, as he, she or they would have had, in case such former lease had been still continued ; or as he, she or they would have had, in case the respective under-leases had been renewed under such new principal lease ; any law, custom or usage to the contrary hereof notwithstanding.

If tenant for life dies before the day on which rent becomes due, executors to recover a proportionable part.

XXVII. *And be it further enabled by the authority aforesaid,* That where any tenant for life shall happen to die before, or on the day on which any rent was reserved or made payable upon any demise or lease of any lands, tenements or hereditaments, which determined on the death of such tenant for life, that the executors or administrators of such tenant for life, shall and may, in an action on the case, recover of and from such under-tenant or under-tenants of such lands, tenements or hereditaments, if such tenant for life die on the day on which the same was made payable, the whole, or if before such day, then a proportion of such rent, according to the time such tenant for life lived of the last year, or a quarter of a year, or other time in which the said rent was growing due as aforesaid, making all just allowances, or a proportionable part thereof, respectively.

XXVIII. And whereas the possession of estates in lands, tenements and hereditaments is rendered very precarious, by the frequent and fraudulent practice of tenants, in attorning to strangers who claim title to the estates of their respective landlord or landlords, lessor or lessors, who, by that means are turned out of possession of their respective estates, and put to the difficulty and expence of recovering the possession thereof, by actions or suits at law ; For remedy whereof, *Be it further enabled by the authority aforesaid,* That

Attornments of tenants to strangers, void, all and every such attornment or attornments of any tenant or tenants, of any messuages, lands, tenements or hereditaments, shall be absolutely null and void, to all intents and purposes whatsoever, and the possession of their respective landlord or landlords, lessor or lessors, shall not be deemed or construed to be in any wise changed, altered or affected, by any such attornment or attornments.

Unless made pursuant to judgment, or order of court, or with consent of landlord. Provided always, That nothing herein contained, shall extend to vacate or affect any attornment made pursuant to, and in consequence of some judgement at law, or decree, or order of a court of equity, or made with the privy and consent of the landlord or landlords, lessor or lessors, or to any mortgagee, after the mortgage is become forfeited.

XXIX. *And be it further enabled by the authority aforesaid,* That every tenant to whom any declaration in ejectment shall be delivered, for any lands, tenements or here-

Penalty on tenants not giving notice to their landlords of de-

declarations in ejectment delivered to them. ditaments, shall forthwith give notice thereof to his or her landlord or landlords, or his, her or their bailiff or receiver, under penalty of forfeiting the value of three years improved or rack rent of the premises so demised, or holden in the possession of such tenant, to the person of whom he or she holds, to be recovered by action of debt to be brought in any court of record within this state.

XXX. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the court where such ejectment shall be brought, to suffer the landlord or landlords, to make him, her or themselves, defendant or defendants, by joining with the tenant or tenants, to whom such declaration in ejectment shall be delivered, in case he or they shall appear; but in case such tenant or tenants shall refuse or neglect to appear, judgment shall be signed against the casual ejector, for want of such appearance; but if the landlord or landlords of any part of the lands, tenements or hereditaments, for which such ejectment was brought, shall desire to appear by himself, herself or themselves, and consent to enter into the like rule, that, by the course of the court, the tenant in possession, in case he or she had appeared, ought to have done; then the court, where such ejectment shall be brought, shall and may permit such landlord or landlords so to do, and order a stay of execution upon such judgment against the casual ejector, until they shall make further order therein.

XXXI. And to obviate some difficulties that many times occur in the recovery of rents, where the demises are not by deed; *Be it further enacted by the authority aforesaid*, That it shall be lawful to and for the landlord or landlords, his, her or their heirs or assigns, where the agreement is not by deed, to recover a reasonable satisfaction for the lands, tenements or hereditaments, held or occupied by the defendant or defendants, in an action on the case, for the use and occupation of what was so held and enjoyed; and if in evidence on the trial of such action, any parole demise, or any agreement (not being by deed) whereon a certain rent was reserved, shall appear, the plaintiff in such action shall not therefore be non suited, but may make use thereof as an evidence of the quantum of the damages to be recovered.

# C H A P. XXXVII.

*An ACT for punishing Treasons and Felonies, and for the better regulating the Proceedings in Cases of Felony.*

Passed 21<sup>st</sup> February, 1788.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That the privilege, or benefit of the clergy, heretofore allowed in criminal cases, shall be, and hereby is taken away and for ever abolished.

II. *And be it further enacted by the authority aforesaid*, That every person who hereafter shall be, in due form of law, convicted or attainted of any manner of treason, murder, rape, buggery or burglary; or of feloniously taking any goods or chattels out of any church or place of public worship; or of feloniously breaking any house, by day or by night, any person being then in the same house where such breaking shall be committed, and thereby put in fear or dread; or of robbing any person or persons in his, her or their dwelling-house, or dwelling-place, the owner or dweller in the same house, or his wife, or his

or her children or servants, or any or either of them, then being within the same house or place where the robbery shall be committed and done, or any other place within the precinct of the same house or dwelling-place, whether the owner or dweller in the same house, or his wife, or his or her children or servants, or any, or either of them, then and there being, shall be waking or sleeping; or of robbing any person; or of feloniously taking away any goods or chattels, being in any dwelling-house, the owner or any other person being therein, and put in fear; or of robbing any dwelling-house, in the day time, any person being therein; or of robbing any person or persons in or about any highway; or of wilfully burning any dwelling-house, or any barn; or of any offence specified in the act, entitled, An act to prevent malicious maiming and wounding; or of any offence specified in the act, entitled, An act for preventing and punishing forgery and counterfeiting; and every person who shall aid, abet, assist, counsel, hire or command any person or persons to commit any of the said offences, and thereof be duly convicted or attainted, shall suffer death for the same, and shall be hanged by the neck until he, she or they shall be dead. And further, That the judgments to be given in all and every of the cases aforesaid, shall invariably be, that the person so convicted or attainted, shall be hanged by the neck until he or she shall be dead; any law, usage or custom to the contrary notwithstanding. And moreover, That all and every person and persons who shall, in due form of law, be convicted or attainted of any felony, other than such as are herein before mentioned, shall, for the first offence, be punished by fine, imprisonment, or corporal punishment, or by all or any of them, in such manner as the justices before whom such conviction or attainder shall be had, or who shall give judgment thereupon, shall, in their discretion, think proper to direct and award, not extending to life or limb; and for any second offence, or felony committed after such first conviction, every such offender shall suffer death, and shall have judgment to be hanged by the neck until he or she shall be dead; and shall be accordingly hanged by the neck until he or she shall be dead; but nothing herein before contained shall extend to petty larceny, which is the feloniously taking and carrying away the goods or chattels of another, of the value of five pounds or under.

III. *And be it further enacted by the authority aforesaid,*

*Peine fort et dure, abolished.*

That the law relative to the *peine fort et dure*, shall be, and hereby is abolished: and that in all cases of treason or felony, where the party indicted shall, on being arraigned, obstinately stand mute, or refuse to plead, and be tried in due course of law; such obstinately standing mute, or refusal to plead and be tried as aforesaid, shall be adjudged to amount to, and be a proper traverse or denial of the facts charged in the indictment; and the trial shall thereupon proceed in like manner, and the record shall be in the same form, and the same judgment shall be given against the said party, if found guilty, as if he or she had, on being arraigned, pleaded not guilty, and for trial had put himself or herself on the country; any law to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid,* That the clerk of the supreme court, the clerks of every circuit court, and court of oyer and terminer, and gaol delivery, and the clerks of the peace for the time being, where any attainder, outlawry or conviction of any person or persons, for any manner of treason, murder, rape, buggery, burglary, robbery,



or other felony, shall be had, shall, without fee or reward, certify into the court of exchequer, at the next term, there to remain of record forever, a transcript, briefly and in few words, containing the tenor and effect of every such attainder, outlawry or conviction, and of the indictment or appeal upon which the same shall be so had; That is to say, The name, surname, and addition of every such person so convicted, outlawed or attainted, and the certainty of the said felony, or other offence whereupon he or she shall be so convicted, outlawed or attainted, and the day and place of the conviction, outlawry or attainder, and before whom the same was had, and the day and place, where and when the said felony, or other offence was done, and the judgment thereupon given, upon pain to forfeit, for every omission or neglect, the sum of ten pounds, to the people of this state; and the clerk of the court of exchequer shall receive all such certificates and transcripts, when the same shall be presented and offered to him by any of the respective clerks aforesaid, or by his or their deputy or deputies, without taking any thing for the same; and shall, at all times, without fee or reward, when requested by the attorney-general of this state, or by any prosecutor against any person named in any such certificate or transcript, for any second offence, make and deliver to the attorney-general or prosecutor, a true copy of such certificate or transcript, certified under his hand and the exchequer seal; and every such copy, so certified, shall be good evidence of such former conviction, outlawry or attainder.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be indicted of felony, for stealing of any goods or chattels, in any county of this state, and thereof be convicted or attainted; if it shall appear upon evidence, and be found by the jury, that the said goods or chattels were taken by robbery or burglary, or in any other manner, in any other county, whereof, if such person or persons had been convicted by a jury of such other county, he, she or they would, by virtue of this, or any other act now in force, or hereafter to be made, be liable to suffer death, then, and in every such case, judgment shall be given that the said offender or offenders shall be hanged by the neck, until he, she or they shall be dead, and such offender or offenders shall be put to death accordingly.

VI. *And be it further enacted by the authority aforesaid,* That every person who shall, in due form of law, be convicted or attainted of any manner of treason, murder, rape, buggery, burglary, robbery, or other felony, for which he or she ought, or is, or shall be, by any law of this state now in force, or hereafter to be made, liable to suffer death, shall forfeit to the people of this state, all his or her goods and chattels, and also all such lands, tenements and hereditaments, which any such offender shall have of any estate of inheritance, in his or her own right, in use or possession, and all rights, entries, conditions, reversions and remainders of, in or to any lands, tenements or hereditaments, at the time of any such offence committed, or at any time after; and the people of this state, without any office or inquisition to be found, shall be deemed and adjudged in the actual and real possession of the lands, tenements, hereditaments, uses, goods, chattels, and all other things of the offenders, so convicted or attainted, which the people of this state ought lawfully to have, and which the offenders so being convicted or attainted, ought to lose and forfeit, or might lawfully lose and forfeit; saving to every person and persons, and to his, her and their heirs and successors, other than the offenders and their heirs, and such person and persons as claim to the use of any such offender or offenders, all such rights, titles, interest, possessions,

leases, rents, reversions, offices, and other profits, which they or any of them shall have at the day of committing any such offence, or at any time after, in as large and ample manner, as if this clause of this act had not been made.

VII. *And be it further enacted by the authority aforesaid,* That no attainder of any person or persons, of or for any manner of treason or felony whatsoever, shall hereafter extend to corrupt the blood of the offender, or to forfeit the dower of his wife.

VIII. *And be it further enacted by the authority aforesaid,* That where any person hereafter shall be feloniously stricken or poisoned in one county, and die of the same stroke or poisoning in another county, then an indictment thereof, found by jurors of the county where the death shall happen,

Manner of proceeding where a person is stricken or poisoned in one county, and dies in another.

whether it shall be found before the coroner, upon the sight of such dead body, or before the justices of the peace, or other justices or commissioners who shall have authority to enquire of such offences, shall be as good and effectual in the law, as if the stroke or poisoning had been given, committed and done in the same county where the party shall die, or where such indictment shall be so found. And further, That the justices of gaol delivery, and justices authorised or assigned to hear and determine, in the same county where such indictment at any time hereafter, shall be taken, and the justices of the supreme court, when such indictment shall be taken or removed before them, shall and may proceed upon the same in all points, as they should or ought to do, in case such felonious stroke; and death thereby ensuing, or poisoning, and death thereof ensuing, had grown all in one and the same county. And moreover, That such party to whom appeal of murder is or shall be given by the law, may commence, take and sue appeal of murder in the same county where the party feloniously stricken or poisoned, shall die, as well against the principal and principals, as against every accessory to the same offences, in whatsoever county or place the accessory or accessories shall be guilty to the same; and the justices before whom any such appeal shall be commenced, sued and taken, within the year and day after such murder and manslaughter committed and done, shall proceed against all and every such principal and principals, accessory and accessories, in the same county where such appeal shall be so taken, in like manner and form as if the same offence or offences had been committed and done in the same county where such appeal shall be so taken; as well concerning the trial by the jurors of the county where such appeal or appeals shall be taken, upon the plea of not guilty, pleaded by such offender or offenders as otherwise. And further, That where any murder or felony shall be committed and done in one county, and another person, or more persons shall be accessory or accessories in any manner of wise to any such murder or felony, in any other county, then an indictment found and taken against such accessory and accessories, upon the circumstance of such matter, before the justices of the peace, or other justices or commissioners having authority to enquire of felonies in the county where such offences of accessory or accessories, in any manner of wise, shall be committed or done, shall be as good and effectual in the law, as if the said principal offence had been committed or done within the same county where the same indictment against such accessory, shall be found; and the justices of gaol delivery, or justices authorised or assigned to hear and determine, or any two of them, of or in such county where the offence of any such accessory shall be committed and done, upon suit to them made, shall write to the clerk or keeper of the records where such principal shall be attainted or convicted, to certify them whether such principal be

attainted, convicted, or otherwise discharged of such principal felony, who, upon such writing to them, or any of them directed, shall make sufficient certificate in writing, under his or their seal or seals, to the said justices, whether such principal be attainted, convicted, or otherwise discharged, or not; and after that they that so shall have the custody of such records do certify that such principal is attainted, convicted, or otherwise discharged of such offence, by the law, then the justices of gaol delivery, or justices authorized or assigned to hear and determine such offences, or other justices thereunto authorized, shall proceed upon every such accessory, in the county where such accessory or accessories became accessory, in such manner and form, as if both the principal offence, and accessory, had been committed and done in the said county where the offence of accessory was, or shall be committed or done; and that every such accessory, and other offenders above expressed, shall answer upon their arraignments, and receive such trial, judgment, order and execution, and such forfeitures, pains and penalties, as is used in other cases of felony.

IX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall steal, or take by robbery, any bill of exchange, bond, order, warrant, bill or promissory note, for payment of any money, or any certificate, or other public security, issued or to be issued by the authority of the United States in congress assembled, or by authority of the legislature of this state, for payment of money, or acknowledging the receipt of money or goods, being the property of any other person or persons, or of any corporation, notwithstanding any of the said particulars are, or may be termed in law, a chose in action, it shall be deemed and construed to be felony, of the same nature, and in the same degree, and in the same manner, as it would have been, if the offenders had stolen or taken by robbery, any other goods of like value, with the money due on such bill, bond, order, warrant, or note, or certificate, or other public security, or secured thereby, and remaining unsatisfied; and such offender shall suffer such punishment as he or she should or ought to have done, if he or she had stolen other goods of the like value with the money due on such bill, bond, order, warrant, or note, or certificate, or public security, respectively, or secured thereby, and remaining unsatisfied.

X. *And be it further enacted by the authority aforesaid,* That if any person shall buy or receive any goods or chattels, of any value whatsoever, that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, he or she shall be taken and deemed an accessory to such felony after the fact, and shall incur the same punishment as an accessory to the felony, after the felony committed. And further, That it shall and may be lawful to prosecute and punish every such person buying or receiving any stolen goods, knowing the same to be stolen, as for a misdemeanor, to be punished by fine and imprisonment, although the principal felon be not before convicted of the said felony, which shall exempt the offender from being punished as accessory, if the principal shall be afterwards convicted; any law to the contrary notwithstanding.

XI. *And be it further enacted by the authority aforesaid,* That if any principal felon shall be convicted of any felony, it shall and may be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding any such principal felon shall be pardoned, or otherwise de-

When any principal felon is convicted, the accessories may be proceeded against, although such principal is pardoned before attainder.

livered before attainder ; and every such accessory shall suffer the same punishment, if he or she be convicted, as he or she should have suffered, if the principal had been attainted.

XII. *And be it further enacted by the authority aforesaid,* That the justices of the supreme court shall have full power and authority, by their discretion, to remand and send down, as well the bodies of all felons and murderers brought or removed, or that shall be removed or brought before the people of the state of New-York, in their supreme court, as the indictments against such felons and murderers, into the said counties where the same murders and felonies were or shall have been committed and done ; and to command all justices of gaol delivery, justices of the peace, and all other justices and commissioners having authority to hear and determine the same felonies, and every of them, to proceed and determine upon all the aforesaid bodies and indictments so removed, according to law, in such manner as the same justices of gaol delivery, justices of the peace, or commissioners, or any of them, might or should have done, if the said prisoners or indictments had never been brought into the said supreme court.

XIII. *And be it further enacted by the authority aforesaid,* That no writs of habeas corpus, or certiorari, shall be hereafter granted to remove any prisoner out of any gaol, or to remove any indictment, inquisition, recognition, record or other thing, except the same writs be signed with the proper hand of one of the justices of the court out of which the same writs shall be awarded ; and every such writ not signed as aforesaid, shall be void and of none effect.

XIV. *And be it further enacted by the authority aforesaid,* That all manner of foreign pleas, triable by the country, hereafter to be pleaded by any person or persons arraigned upon any indictment, or appeal, for any treason, murder or felony, shall be forthwith tried before the same justices before whom such person or persons shall be arraigned, and by the same jurors of the same county that shall try the treason, murder or felony, whereof he, she or they shall be so arraigned, without any further respite or delay, in whatsoever county or counties, place or places, the matter of the same pleas be supposed or alledged.

XV. *And be it further enacted by the authority aforesaid,* That no person arraigned for any murder or felony, shall be admitted to any peremptory challenge above the number of twenty ; and if any person arraigned for any murder or felony, shall peremptorily challenge above the number of twenty of the jurors returned for the trial of such person, such challenge shall be disallowed, and the trial shall proceed as if no such challenge had been made.

XVI. *And be it further enacted by the authority aforesaid,* That no indictor of any person or persons, for any crime or offence whatsoever, shall be put upon the inquest for the trial of such person or persons, if he be challenged for the same cause, by him, her or them so indicted.

XVII. *And be it further enacted by the authority aforesaid,* That every person who shall be arraigned or tried of or for any felony, shall be admitted to make any proof that he or she can produce, by lawful witness or witnesses, who shall then be upon oath, for his or her just defence in that behalf ; and shall have the like process of the court where he or she shall be tried, to compel his or her witnesses to appear for him or her at such trial, as is usually granted to compel witnesses to appear against him or her.

Peremptory challenge not to exceed twenty.

Witnesses allowed to felons, and compellable to appear.

XVIII. *And be it further enacted by the authority aforesaid,* That from henceforth the words, with force and arms, or any such like words, shall not of necessity be put or comprised in any inquisition or indictment of treason, murder, felony, trespass, or any other offence; and that no party or parties, being hereafter indicted of any offence, shall have or take any advantage, by writ or writs of error, plea or otherwise, to annul or avoid any such inquisition or indictment, for that that the words, with force and arms, or any such like words, shall not be put or comprised in the said inquisitions or indictments; but that the same inquisitions and indictments, and every of them, lacking the said words, with force and arms, or any such like words, shall from henceforth be taken, deemed and adjudged, to all intents, constructions and purposes, as good and effectual in the law, as the same inquisitions and indictments having the said words, with force and arms, comprised and put in every of the same inquisitions and indictments, were, or heretofore have been taken, deemed or adjudged.

XIX. *And be it further enacted by the authority aforesaid,* That if any felon or felons do rob or take away any money, goods or chattels, from any person or persons, from the person or otherwise, and the said felon or felons be thereof indicted, and after arraigned of the same felony, and found guilty thereof, or otherwise attainted, by reason of evidence given by the party so robbed, or owner of the said money, goods or chattels, or by any other, by his, her or their procurement, then the party so robbed, or owner, shall be restored to his or her said money, goods and chattels; and that as well justices of gaol delivery, as other justices before whom any such felon or felons shall be found guilty, or otherwise attainted, by reason of evidence given by the party so robbed, or owner, or by any other by his or her procurement, shall have power by this act, to award, from time to time, writs of restitution for the said money, goods and chattels, in like manner as if such felon or felons were attainted at the suit of the party in appeal.

XX. And whereas the honest and faithful citizens of this State, are often charged and burthened in conveying felons, and other malefactors and offenders against the laws, unto the gaol, when the same offenders have goods and chattels of their own, whereby to defray the same charge themselves, which tends to the encouragement of such offenders, and to the discouragement of the said honest and faithful citizens, in prosecuting the said felons, malefactors and offenders; Therefore, *Be it further enacted by the authority aforesaid,* That all and every person and persons whomsoever, who shall be committed to the common or usual gaol, in any city or county of this State, by any justice or justices of the peace, for any felony, offence or misdemeanor, having means or ability thereunto, shall bear their own reasonable charges, for so conveying or sending them to the said gaol, and the charges also of such as shall be appointed to guard them to the said gaol, and shall guard them thither; and if any such person so to be committed as aforesaid, shall refuse, at the time of his or her commitment and sending to the said gaol, to defray the said charges, or shall not then pay or bear the same, then any justice or justices of the peace of the county, shall and may, by writing under his or their hand and seal, or hands and seals, after conviction of the person so committed, give warrant to the constable or constables, or either of them, of the town or place where such person so committed, shall dwell or inhabit, or where he or she shall have any goods within the same city or county, to levy, by distress and sale of the goods and chattels of the said person so to be committed, so much money as, by the discre-

tion of the said justice or justices, shall satisfy and pay the charges of his or her conveying and sending to gaol: And when any person, not having good or money within the city or county where he or she shall be taken, sufficient to bear the charges of himself or herself, and of those who convey him or her, is committed to gaol, by warrant from any justice or justices of the peace, then, on application by any constable, or other officer who conveyed him or her to gaol as aforesaid, to any justice of the peace for the same city or county, the justice shall, upon oath, examine into, and ascertain the reasonable allowances to be made to such constable or other officer, both for his expences and trouble; the said allowance for trouble not to exceed six pence for each mile that he shall travel to convey the said offender to gaol, as aforesaid; and the said justice shall forthwith, without fee or reward, by warrant under his hand and seal, order the treasurer of the city or county to pay the same, which the said treasurer is hereby required to do, as soon as he receives such warrant, and shall have monies in his hands.

XXI. And whereas many persons are deterred from prosecuting persons guilty of felony, upon account of the expence attending such prosecutions, which is a great cause and encouragement of felonies; in order, therefore, to encourage the bringing offenders to justice, *Be it further enacted by the authority aforesaid,* That it shall and may be in the power of the court before whom any person shall have been tried and convicted of any larceny, or other felony, at the prayer of the prosecutor, and on consideration of his circumstances, in open court, to order the treasurer of the city or county in which the offence shall have been committed, to pay unto such prosecutor, such sum of money as to the same court shall seem reasonable, not exceeding the expences which it shall appear to the court, the prosecutor was put unto, in carrying on such prosecution, and making him a reasonable allowance for his time and trouble therein; which order the clerk of such court is hereby directed and required forthwith to make out and deliver to such prosecutor, upon being paid for the same, the sum of one shilling, and no more; and the treasurer of such city or county is hereby authorized and required, upon sight of such order, or as soon after as he shall have monies sufficient in his hands, forthwith to pay to such prosecutor, or other person authorized to receive the same, such sum of money so ordered to be paid as aforesaid.

XXII. And whereas the expence; as well as loss of time, in attending courts of justice, is a discouragement to the poorer sort, to appear as witnesses against offenders, who thereby escape the public justice, and the punishment due to their crimes; therefore, *Be it further enacted by the authority aforesaid,* That when any poor person shall appear on recognizance, in any court, to give evidence against another accused of any larceny, or other felony, it shall and may be in the power of the court, at the prayer and on the oath of such person, and on consideration of his or her circumstances, in open court, to order the treasurer of the city or county in which the offence shall have been committed, to pay unto such person, such sum of money as to the said court shall seem reasonable, for his or her time, trouble and expence; which order the clerk of such court is hereby directed and required forthwith to make out and deliver to such person, without fee or reward; and such treasurer is hereby authorized and required, upon sight of such order, or as soon after as he shall have monies sufficient in his hands, forthwith to pay to such person, or other person authorized to receive the same, such sum of money so ordered to be paid as aforesaid.

And also of poor witnesses appearing on recognizance.

XXIII. *And be it further enacted by the authority aforesaid, That the treasurer of each city and county shall be allowed in his accounts, all such sums as he shall pay upon any such warrant or order as aforesaid, which sums shall be considered and deemed as part of the contingent charge of such city or county; and that the several treasurers may be enabled to comply with such warrants and orders, the supervisors of the several counties are hereby required to cause a sum, sufficient for the purposes aforesaid, to be raised, levied and collected in their respective counties, yearly, in the same manner as the contingent charges of the same county are to be raised, levied and collected.*

## C H A P. XXXVIII.

*An ACT concerning Courts of Oyer and Terminer, and Goal Delivery.*

Passed 22d February, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the justices of the supreme court for the time being, or any or either of them, together with the mayor, recorder and aldermen of the city of New-York, for the time being, or any three or more of them, of whom either of the justices of the supreme court shall always be one, in and for the city and county of New-York, and, together with the mayor, recorder and aldermen of the city of Albany, for the time being, and the judges and assistant justices of the court of common pleas of the county of Albany, for the time being, or any three or more of them, of whom either of the justices of the supreme court shall always be one, in and for the city and county of Albany, and, together with the judges and assistant justices of the respective courts of common pleas of each and every of the other counties of this state for the time being, or any three or more of them, of whom either of the justices of the supreme court shall always be one, in and for each of the same counties, respectively, shall be, and hereby are authorized and empowered, by virtue of their respective offices, and this act, without any other commission, from time to time, forever hereafter, at such times and places in each of the said cities and counties respectively, as the same justices of the supreme court, or any or either of them shall, hold the circuit court in the same cities or counties respectively, to enquire, by the oath of good and lawful men, of the same cities and counties respectively, and by other ways, methods and means, by whom and by which the truth of the matter may be the better known, of whatsoever treasons, misprison of treasons, insurrections, rebellions, murders, felonies, homicides, killings, burglaries, rapes of women, counterfeittings, unlawful congregations and assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, extortions, escapes, contempts, falsities, negligencies, concealments, maintenances, oppressions, champerties, conspiracies, deceits, and other misdoings, offences and injuries whatsoever, and also of the accessaries to them, in the same cities and counties respectively, by whomsoever and howsoever had, done, perpetrated or committed, or at any time hereafter, to be had, done, perpetrated or committed, and by whom, to whom, when, where and how, and in what manner; and of all other articles and circumstances concerning the premises and every of them, or any one or more of them, in any manner whatsoever; and the said treasons, and other the premises, to hear and determine according to the law

of this state, doing therein that which to justice doth or shall appertain; and also to deliver the gaols in the same cities and counties respectively, of the prisoners therein then being, doing therein what to justice doth or shall appertain, according to the law of this state. And further, That each and every of the said courts shall be held and continued in each and every of the said cities and counties, for so long time at each session, as may be necessary to dispatch the business in the same city or county, whether the circuit court for trial of issues in the same city or county, be then so long continued or not.

II. *And be it further enabled by the authority aforesaid,*

*Sheriffs duty.* That the sheriff of the city and county of New-York, for the time being, and the respective sheriffs of each and every of the other counties in this state, for the time being, shall cause to come before the justices of the supreme court for the time being, and such other persons as are by this act authorised and empowered to enquire, hear and determine as aforesaid, and to deliver the gaols in the several cities and counties of this state respectively, as aforesaid, or any three or more of them, of whom either of the justices of the supreme court shall always be one, at every circuit court to be held in the same cities and counties respectively, twenty-four good and lawful men of the same cities and counties respectively, to enquire for the people of the state of New-York, and the bodies of the same cities and counties respectively, and to do and receive all those things which, on the behalf of the people of the state of New-York, shall be then and there enjoined them; and also all the prisoners then being in the said gaols respectively, together with their attachments, indictments, and all other minuments, any ways concerning those prisoners; and likewise so many good and lawful men of the same cities and counties respectively, duly qualified to serve as jurors in the same cities and counties, as the same justices of the supreme court, and other persons hereby authorised and empowered to enquire, hear and determine as aforesaid, and to deliver the same gaols as aforesaid, or any three or more of them, of whom either of the justices of the supreme court always to be one, shall, from time to time, direct, by whom the truth of the matter may be the better known and enquired into, and who have no affinity to those prisoners. And the said respective sheriffs shall cause to be publicly proclaimed, throughout their respective bailiwicks and counties, that all those who will prosecute against those prisoners, be then and there to prosecute against them as shall be just; and shall also give notice to all justices of the peace, coroners, bailiffs and constables within their respective bailiwicks and counties, that they be then and there in their own persons, with their rolls, records, indictments, and other remembrances, to do those things which to their offices in that behalf shall appertain to be done. And the said respective sheriffs, and their respective under sheriffs, together with their respective bailiffs, and other officer, shall then and there attend in their own proper persons, to do those things which to their offices do or shall appertain in that behalf to be done. And further, That the clerk of the

Clerk of the supreme court, to issue precepts to the respective sheriffs for the purposes aforesaid.

supreme court for the time being, shall, from time to time, as soon as conveniently may be, after any and every circuit court shall be appointed to be held in the respective cities and counties of this state, and at least fifteen days before the time of holding the said courts, respectively, in the said respective cities and counties, issue precepts under the seal of the same supreme court, directed to the respective sheriffs of the same cities and counties respectively, for the purposes aforesaid, mentioning the day and place when and where the same courts are to be



held, and commanding the same sheriffs respectively, to do what is hereby required of them; and that the said precepts shall always be in the name of the people of the state of New-York, and be tested in the name of the chief justice of the same supreme court. Provided, That in case the office of chief justice shall be vacant, the precepts shall be tested in the name of the next senior justice of the said supreme court.

III. *And be it further enacted by the authority aforesaid,* That nothing in this act shall extend to authorise the mayor, recorder and aldermen of the city of New-York, or any or either of them, to sit or act

No mayor, recorder, alderman, judge or assistant justice, to be a commissioner out of his own city or county.

as justices of the said courts of oyer and terminer, and gaol delivery, or either of them, in any place out of the city of New-York; nor to authorise the mayor, recorder and aldermen of the city of Albany, or any or either of them, or the judges and assistant justices of the court of common pleas of the county of Albany, or any or either of them, to sit or act as justices of the said courts of oyer and terminer, and gaol delivery, or either of them, in any place out of the said county of Albany; nor to authorise the judges and assistant justices of the courts of common pleas of any of the other counties of this state, or any or either of them, to sit or act as justices of the said courts of oyer and terminer, and gaol delivery, or either of them, in any place out of their respective counties.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment for the time being, to grant and issue commissions of oyer and terminer, and gaol delivery, or either of them, in the manner and form heretofore used, at any time or times hereafter, when and as often as occasion shall require: But the justices of the supreme court for the time being, shall always be named in such commissions as the justices or commissioners, with such others as the person administering the government of this state, by and with the advice and consent of the council of appointment, may think proper to execute the same; and no such commission shall at any time be executed, nor any proceedings thereupon had, without the presence of one or more of the justices of the supreme court.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the justices hereby authorized and empowered to enquire, hear and determine felonies as aforesaid, and for all other justices who shall be duly assigned to hear and determine any such felonies, to direct their writs into all the cities and counties of this state, where need shall be, to arrest and take such persons as shall be indicted or appealed before them, or any of them.

VI. *And be it further enacted by the authority aforesaid,* That no manner of process or suit, made, sued or had, or hereafter to be made, sued or had, before any justices of assize, justices of gaol delivery, oyer and terminer, or other commissioners of the people of this state, shall in any wise be discontinued by the making and publishing of any new commission or association, or by altering the names of the justices of assize, gaol delivery, and oyer and terminer, or other commissioners, but that the new justices of assize, gaol delivery, oyer and terminer, and other commissioners, shall and may proceed, in every behalf, as the old justices and commissioners might have done, if their commissions and authority had still remained and continued not altered.

Justices of gaol delivery to give judgment against persons convicted before others.

VII. *And be it further enacted by the authority aforesaid,* That in all cases where any person or persons heretofore have been, or hereafter shall be found guilty of any manner of treason, murder, rape, or other felony whatsoever, for which judgment of death should or may ensue, and shall be deprived without judgment at that time given against him, her or them, so found guilty, that those persons who, at any time hereafter, shall, by virtue of this act, deliver the gaol where any such person or persons so found guilty, shall remain, or those persons who shall, at any time hereafter, by commission, be assigned justices to deliver the same gaol, shall have full power and authority to give judgment of death against such person and persons so found guilty and deprived, as the same justices before whom such person or persons was or were found guilty, might have done, if their commission or authority had remained and continued in full force and strength.

VIII. *And be it further enacted by the authority aforesaid,* That the justices of assize, gaol delivery, and oyer and terminer, shall, once in every year, send all their records and processes, determined and put in execution, to the exchequer, there to remain of record.

IX. *And be it further enacted by the authority aforesaid,* That no person, little or great, shall sit upon the bench with the justices to take assizes, or with the justices of oyer and terminer, and gaol delivery, in their session, upon pain of fine and imprisonment. And the said justices are hereby charged, that they do not suffer any person to sit with them on the bench in their session, contrary to the intent of this act.

X. *And be it further enacted by the authority aforesaid,* That the said courts of general gaol delivery, in the several cities and counties, shall have power to deliver the gaols of those prisoners who shall be indicted before the justices of the peace, in the same cities and counties respectively.

## C H A P. XXXIX.

Continued 13th sess.  
ch. 13.

*An ACT to continue the Acts for the Appointment of an Auditor, and the Settlement of the Public Accounts of this State.*

Passed 22d February, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the act, entitled, † An act further to continue and amend an act, entitled, An act for the appointment of an auditor, and the settlement of the public accounts of this state, shall be, and hereby is continued in full force and virtue, to all intents and purposes, until the twenty-first day of March, which will be in the year of our Lord one thousand seven hundred and ninety.

II. *And be it further enacted by the authority aforesaid,* That the time limited for the payment of quit rents, and commutation for annual quit rents, in and by the first section of the act, entitled, † An act to amend an act, entitled, An act for the collection and commutation of quit rents, shall be, and hereby is extended to the first day of May, which will be in the year one thousand seven hundred and eighty-nine. And further, That it shall and may be lawful for the auditor of this state for the time being, and he is hereby required to do and perform every act, matter and thing, which the treasurer is directed to do and perform in and by the said act, and in and by the act, entitled, † An act for the collection and commutation of quit rents.

13th sess. ch. 23.

C H A P. XL.

Amended, 13th sess.  
ch. 23.

An ACT concerning Slaves.

Passed 22d February, 1788.

**W**HEREAS in consequence of the act, directing a revision of the laws of this state, it is expedient that the several existing laws, relative to slaves, should be revised, and comprised in one; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same.* That every negro, mulatto or mestee, within this state, who at the time of the passing of this act, is a slave for his or her life, shall continue such for and during his or her life, unless he or she shall be manumitted or set free in the manner prescribed in and by this act, or in and by some future law of this state.

II. *And be it further enacted by the authority aforesaid,* That the children of every negro, mulatto or mestee woman, being a slave, shall follow the state and condition of the mother, and be esteemed, reputed, taken and adjudged slaves, to all intents and purposes whatsoever.

III. *And be it further enacted by the authority aforesaid,* That the baptizing of any negro, or other slave, shall not be deemed, adjudged or taken to be a manumission of such slave.

IV. *And to prevent the further importation of slaves into this state; Be it further enacted by the authority aforesaid,* That if any person shall sell, as a slave, within this state, any negro or other person who has been imported or brought into this state, after the first day of June, in the year of our Lord one thousand seven hundred and eighty-five, or who shall be imported or brought into this state after the passing of this act, such seller, or his or her factor or agent, making such sale, shall be deemed guilty of a public offence, and shall, for every such offence, forfeit the sum of one hundred pounds, current money of this state, to be recovered by any person who will sue for the same, with costs of suit, by action of debt, in any court of record within this state, having cognizance thereof; the one half of which forfeiture, when recovered, to be paid to the treasurer of this state, for the use of the people thereof; and the other half to the person who shall sue for the same to effect. And further, That every person, so imported or brought into this state, and sold contrary to the true intent and meaning of this act, shall be free.

Any person selling a slave brought into this state after first June, 1785, to forfeit 100l.

And such slave to be free.

Any person buying or receiving a slave, with intent to remove such slave out of this state, to be sold, to forfeit 100l.

V. *And be it further enacted by the authority aforesaid,* That if any person shall, at any time, purchase or buy, or shall, as factor or agent to another, take or receive, any slave with intent to remove, export or carry such slave from this state, to any other place without this state, and there to be sold; the person so purchasing or buying, or so, as factor or agent, receiving or taking a slave, with such intent as aforesaid, shall be deemed to have committed an offence against the people of this state, and shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered, with costs, by any person who will sue for the same; the one moiety to the use of the people of this state, and the other moiety to the use of the person who will sue for the same; and the slave so purchased, bought, taken or received, shall be immediately after he or she shall be so purchased, bought, received or taken, and hereby is declared to be free.

And such slave to be free.

Persons employing  
or harbouring, &c.  
slaves, without con-  
sent of the owners,  
to forfeit \$1. for every  
24 hours.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after the passing of this act, employ, harbour, conceal or entertain any negro, or other slave, knowing such negro or other slave to be the slave of any other person or persons, without the consent of the owner or owners of such slave, he, she or they shall forfeit to the owner or owners of such slave, the sum of five pounds for every twenty-four hours, and in that proportion for a greater or less time, while such slave shall have been employed, harboured, concealed or entertained, as aforesaid; but that such forfeiture shall not in the whole exceed the value of such slave. And further, That if any person or persons shall be found guilty of harbouring, entertaining or concealing any slave, or of assisting to convey him or her away, and if such slave shall be lost, die or be otherwise destroyed, the person or persons so harbouring, entertaining, concealing, assisting, or conveying away such slave, shall be liable to pay to the owner or owners of such slave, the value thereof; which several sums of money shall and may be recovered, by action of debt, with costs of suit, in any court of record having cognizance thereof.

VII. *And be it further enacted by the authority aforesaid,* That no person or persons shall trade or traffic with any slave or slaves, either in buying or selling, without leave or consent of the master or mistress of such slave or slaves, on pain of forfeiting treble the value of the thing or things traded for; and also, the sum of five pounds, to the master or mistress of such slave or slaves, for each offence, to be recovered, with costs, against the person or persons so trading contrary to the true intent and meaning of this act, by action of debt, in any court having cognizance thereof. And further, That every contract or bargain so made, or to be made, with any slave or slaves, without consent of his, her or their master or mistress, shall be utterly void.

VIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall sell any rum or other strong liquor, to any slave or slaves, without the consent of his or her master or mistress, and shall thereof be convicted, upon complaint made by the master or mistress of such slave or slaves, before any justice of the peace, mayor, recorder or alderman, in the city or county where the offender shall dwell or reside, shall forfeit and pay the sum of forty shillings for every such offence, to be recovered, with costs, before any such justice, mayor, recorder or alderman; the one half of which forfeiture, when recovered, shall be paid to such master or mistress, and the other half to the overseers of the poor of the city or town where such offence is committed.

IX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, by theft, or other trespass committed by any slave or slaves, sustain damages to the value of five pounds or under, the owner or owners of such slave or slaves, shall be liable to make satisfaction for such damages to the party injured, to be recovered by action of debt, with costs of suit, in manner aforesaid.

X. *And be it further enacted by the authority aforesaid,* That if any slave shall strike a white person, it shall be lawful for any justice of the peace to commit such slave to prison; and such slave shall thereupon be tried and punished, in the manner directed in cases of petit larceny, in and by the act, en-

Slaves striking  
white persons, how to  
be tried and punished.

saled, ‡ An act for the speedy punishment of such persons as shall commit any offences under the degree of grand larceny.

Slaves to be tried by James in capital cases.  
 XI. *And be it further enacted by the authority aforesaid;* That all negroes and other persons whatsoever, commonly reputed and deemed slaves, shall, forever hereafter, have the privilege of being tried by a jury, in all capital cases, according to the course of the common law.

Slaves not to be witnesses, except in criminal cases against each other.  
 XII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, no slave shall be admitted a witness for or against any person, in any matter, cause or thing whatsoever, civil or criminal, except in criminal cases in which the evidence of one slave shall be admitted for or against another slave.

XIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, no person or persons within this state, shall knowingly and willingly suffer, or permit his, her or their slave to go about begging of others, victuals, cloathing, or other necessities; and if any person or persons shall be guilty of an offence against this clause of this act, he, she or they shall, for every such offence, forfeit the sum of ten pounds, to be recovered by action of debt, with costs of suit, in any court of record within this state, by any person or persons who will sue for the same; the one half of which forfeiture, when recovered, to be paid to the overseers of the poor of the city or town where such offence shall be committed, and the other half to the person or persons who shall sue and prosecute for the same to effect.

Penalty on persons selling slaves to others unable to maintain them.  
 XIV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, by any collusive conveyance, or fraudulent agreement, sell or dispose, or pretend to sell, or dispose of any aged or decrepid slave, to any person or persons, who is, or are unable to keep and maintain such slave or slaves, such sale or pretended sale, shall be absolutely void, and the person or persons making such sale or pretended sale, shall forfeit the sum of twenty pounds for each offence; and shall, moreover, be deemed the owner or owners of such slave or slaves, within the true intent and meaning of the next preceding section of this act; which forfeitures shall be recovered and applied in the manner directed in and by the said section.

How slaves, under 50 years of age, may be manumitted.  
 XV. *And be it further enacted by the authority aforesaid,* That when the owner or owners of any slave under fifty years of age, and of sufficient ability to provide for himself or herself, shall be disposed to manumit such slave, he, she or they shall, previous thereto, procure a certificate, signed by the overseers of the poor, or the major part of them, of the city, town or place, and of two justices of the peace of the county where such person or persons shall dwell or reside, and if in the cities of New-York or Albany, then, from the mayor or recorder, and any two of the aldermen, certifying that such slave appears to be under fifty years of age, and of sufficient ability to provide for himself or herself, and shall cause such certificate of manumission to be registered in the office of the clerk of the city, town or place in which the owner or owners of such slave may reside; that then it shall be lawful for such person or per-

‡ There is no act with this title: It is supposed that the act intended is 10th sess. ch. 65.

sons to manumit such slave, without giving or providing any security to indemnify such city, town or place; And every slave, so manumitted, shall be deemed, adjudged and taken to be free, and the clerk, for registering such certificate, shall be entitled to two shillings, and no more.

XVI. *And be it further enacted by the authority aforesaid,* That if any person, by his or her last will and testament, shall give his or her slave freedom, such slave being, at the death of the testator or testatrix, under fifty years of age, and also of sufficient ability to provide for himself or herself, to be certified in manner aforesaid; such freedom, given as aforesaid, shall, without any security to indemnify the city, town or place, be deemed, taken and adjudged to be good and valid, to all intents and purposes. And further, That if the owner or owners of any other slave, shall be disposed to manumit and set at liberty such slave, and such owner or owners, or any other sufficient person, for or in behalf of such slave, shall and do, at the court of general sessions of the peace for the city or county where such negro or other slave shall dwell or reside, enter into a bond to the people of the state of New-York, with one or more surety or sureties, to be approved by such court, in a sum not less than two hundred pounds, to keep and save such slave from becoming or being any charge to the city, town or place, within this state, wherein such slave shall, at any time after such manumission, live, the said slave shall be free, according to such manumission of the owner or owners of such slave. And further, If

any such slave hath been, or hereafter shall be made free, by the last will and testament of any person deceased, and if the executor or executors of such person so deceased, or in case of the neglect or refusal of such executor or executors, if any other sufficient person for and in behalf of such slave, shall and do enter into such surety as aforesaid, in manner aforesaid, then the said slave shall be free, according to the true intent and meaning of such last will and testament. And moreover, That if any person shall, by

last will or otherwise, manumit or set free his or her slave, and no such certificate or security as aforesaid be given or obtained, such slave shall, nevertheless, be considered as freed from such owner, his or her executors, administrators and assigns: But such owner, his and her heirs, executors and administrators, shall remain and be liable to support and maintain such slave, if the same slave shall become unable to support and maintain himself or herself.

## C H A P. XLI.

*An ACT in the Form of the Act recommended by the Resolution of the United States in Congress assembled, of the Twenty-first Day of March, One Thousand Seven Hundred and Eighty-seven, to be passed by the several States, relative to the Treaty of Peace between the United States, and the King of Great-Britain.*

Passed 22d February, 1788.

**W**HEREAS certain laws or statutes made and passed in some of the United States, are regarded and complained of as repugnant to the treaty of peace with Great-Britain, by reason whereof, not only the good faith of the United States, pledged by that treaty, has been drawn into question, but their essential interests under that treaty, greatly affected: And

whereas justice to Great-Britain, as well as regard to the honour and interests of the United States, require that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be constituted to proceed from the laws of this state, be effectually removed; Therefore,

*I Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That such of the acts and parts of acts of the legislature of this state, as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are repealed. And further, That the courts of law and equity, within this state, be, and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, to decide and adjudge according to the tenor, true intent and meaning of the same; any thing in the said acts, or parts of acts, to the contrary thereof in any wise notwithstanding.

C H A P. XLII.

*An ACT for suppressing Immorality.*

Passed 2d February, 1788.

*I BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,*

That there shall be no travelling, servile labouring, or working (works of necessity and charity excepted) shooting, fishing, sporting, playing, horse-racing, hunting, or frequenting of tippling-houses, or any unlawful exercises or pastimes, by any person or persons within this state, on the first day of the week, commonly called Sunday. And that every person being of the age of fourteen years or upwards, offending in the premises, shall, for every such offence, forfeit and pay to the use of the poor of the city or town where such offence shall be committed, the sum of six shillings. And that no person shall cry, shew forth, or expose to sale, any wares,

No travelling, servile labor or sporting, &c. to be done on Sunday.

merchandise, fruit, herbs, goods or chattels, upon the first day of the week, commonly called Sunday, except small meats, fish and milk in the morning, under forfeiture of the same. No goods to be exposed to sale on Sunday, except small meats, fish and milk in the morning, under forfeiture of the same. morning, upon pain that every person so offending, shall forfeit the same goods so cried, shewed forth, or exposed to sale, to the use of the poor of the city or town where such offence shall be committed; and if any person offending in any of the premises, shall be thereof convicted, before any justice of the peace for the county, or any mayor, recorder or alderman of the city, where the offence shall be committed, upon the view of the said justice, mayor, recorder or alderman, or confession of the party offending, or proof of any witness or witnesses upon oath, then the said justice, mayor, recorder or alderman, before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to some constable of the city or county where the offence shall have been committed, commanding him to seize and take the goods, so cried, shewed forth or exposed to sale as aforesaid, and to sell the same, and to levy the said other forfeitures or penalties, by distress and sale of the goods and chattels of such offenders, and to pay the money arising by the sale of such goods so seized,

and the said other forfeitures or penalties, to the overseers of the poor of the city or town where the said offence or offences shall have been committed for the use of the poor thereof. And in case no such distress can be had then every such offender shall, by a warrant under the hand and seal of the said justice, mayor, recorder or alderman, be set publicly in the stocks, by the space of two hours. And further, That if any person shall be found

Persons found fishing, sporting, horse-racing, hunting, gunning, or going to or returning from any market or landing with carts, waggons or sleds, on the first day of the week, called Sunday, it shall be lawful for any constable or other citizen, to

stop every person so offending, and to detain him or her until the next day, and then to carry or convey him or her to some justice of peace, to be dealt with according to law. Provided always, That no person going to, or returning from any church or place of worship, within the distance of twenty miles, or going to call a physician, surgeon or midwife, or carrying a mail to or from any post-office, or going express by order of any public officer, shall be considered as travelling within the meaning of this act.

II. *And be it further enacted by the authority aforesaid,*

Persons keeping Saturday as holy time, may work on Sunday, &c. That if any person charged with having laboured or worked on the said first day of the week called Sunday, and shall be brought before a justice of the peace to answer to such charge, and shall then and there prove, to the satisfaction of the said justice, that he or she uniformly keeps the last day of the week as holy time, and does not labour or work on that day, then such defendant shall be discharged. Provided always, That the work or labour with which he or she is charged, has not disturbed other persons in the observance of the first day of the week, as holy time.

III. *And be it further enacted by the authority aforesaid,*

No writs or process, except for treason, felony, or breach of the peace, to be executed on Sunday. That no person or persons, upon the first day of the week, commonly called Sunday, shall serve or execute, or cause to be served or executed, any writ, process, warrant, order, judgment or decree (except in cases of treason, felony, or breach of the peace) but that the service of every such writ, process, warrant, order, judgment or decree, shall be void, to all intents and purposes whatsoever; and the person or persons so serving or executing the same, shall be as liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he or they had done the same, without any writ, process, warrant, order, judgment or decree at all.

IV. *And be it further enacted by the authority aforesaid,*

Persons cursing or swearing, liable to a fine. That if any person or persons shall, at any time or times hereafter, profanely swear or curse, and be thereof convicted, by the confession of the party offending, or on the oath of any one or more witness or witnesses, or in the manner herein after mentioned, before any justice of the peace for any county, or any mayor, recorder or alderman of any city in this state, every person so offending shall, for every such offence, forfeit and pay, to the use of the poor of the city or town where such offence or offences shall be committed, the sum of three shillings.

V. *And be it further enacted by the authority aforesaid,*

Persons offending in presence of a justice, to be convicted without further proof. That in case any person shall profanely swear, or curse, in the presence and hearing of any justice of the peace for any county, or in the presence and hearing of any mayor, recorder or alderman of any city, while in the execution of his office, every



such justice of the peace, mayor, recorder or alderman, shall, and is hereby authorized and required to convict every such offender of such offence, without any other proof whatsoever.

VI. *And be it further enacted by the authority aforesaid,* That in case any person who shall be convicted of profanely swearing or cursing, shall not immediately pay down the respective sums so forfeited, with the charges of such conviction, or give security, to the satisfaction of the justice, mayor, recorder or alderman before whom such conviction is had, for the payment thereof within six days, then every such offender, being above the age of sixteen years, shall, by warrant under the hand and seal of such justice, mayor, recorder or alderman, be set publicly in the stocks, by the space of one hour for every single offence, and for any number of offences, whereof any such offender shall be convicted at one and the same time, two hours; but if the offender shall not be above the age of sixteen years, and shall not forthwith pay the said forfeitures, or give security for payment thereof, the parent or master shall pay the same, to be recovered as aforesaid.

VII. *And be it further enacted by the authority aforesaid,* That if any person shall be drunk, and of the same offence of drunkenness shall be lawfully convicted, before any justice of the peace for the county, or before the mayor, recorder, or any alderman of the city wherein such offence shall be committed, either upon the view of such justice, mayor, recorder or alderman, or upon the confession of the party offending, or proof of any one or more witness or witnesses, on oath, every person so offending, shall forfeit and pay, for every such offence, three shillings, to the use of the poor of the city or town wherein such offence shall be committed. And in case any person who shall be convicted of drunkenness as aforesaid, shall not immediately pay down the sum so forfeited, with the charges of such conviction, or give security, to the satisfaction of the justice, mayor, recorder or alderman before whom such conviction is had, for the payment thereof within six days, every such offender shall, by warrant under the hand and seal of such justice, mayor, recorder or alderman, be set publicly in the stocks, by the space of two hours.

VIII. *And be it further enacted by the authority aforesaid,* That every justice of the peace, mayor, recorder or alderman, shall, immediately upon information given, upon oath of any constable or other peace officer, or of any other person whatsoever, cause the offender and offenders against this act, to appear before him, and upon such information being proved as aforesaid, shall convict such offender and offenders in such manner as in and by this act is prescribed.

IX. *And be it further enacted by the authority aforesaid,* That every justice of the peace, mayor, recorder and alderman, before whom any person or persons shall be, by virtue of this act, convicted of any of the offences aforesaid, shall cause such conviction to be drawn up in the form following:

**C**ITY of New-York (or Westchester county, or other city or county, as the case may require) to wit: BE it remembered, That on the day of                      in the year of our Lord one thousand                      A. B. was convicted before me, C. D. (mayor, or, recorder, or, one of the aldermen) of the said city (or, one of the justices of the peace of the said county) of crying (or, shewing forth, or, exposing to sale) one (or, two, or more, specifying the number, quantity and kind of goods) on a Sunday, in the said city (or, the town of                      ) in the said county (or, of travelling, or, doing servile work, or, labour; or, of shooting, fishing, sporting, playing, horse-

racing, hunting, or, frequenting tippling-houses, or, using some unlawful exercise, or, pastime) on Sunday; or, of swearing one (or, two, or more) profane oath (or, oaths) or, of cursing one (or, two, or more) profane curse (or, curses) or, of having been drunk in the said city (or, at the town of        in the said county) as the case may require. Given under my hand and seal, the day and year above said.

And such conviction shall not be liable to be removed by certiorari into the supreme court, but shall be deemed and taken to be final, to all intents and purposes whatsoever.

X. *And be it further enacted by the authority aforesaid,* That all charges of the information, and conviction of any such offender, shall be borne and paid by the party offending, if able, over and above the penalties inflicted by this act, which charges shall be settled and ascertained by the justice, mayor, recorder or alderman before whom such conviction shall be had, but shall in no case exceed in the whole, three shillings. And the justice, mayor, recorder or alderman before whom any proceedings shall be had upon this act, or his clerk, may take for the information, summons, conviction and warrant thereupon, one shilling, and no more; and if the offender shall be set in the stocks for the same offence, no charges whatsoever shall be paid by any person whomsoever.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for every such offender, to pay the said forfeitures and charges to the justice, mayor, recorder or alderman before whom such conviction is had; and such justice, mayor, recorder or alderman, shall receive the same, and as soon as conveniently may be, pay the same forfeitures to the overseers of the poor of the city or town where such offence was committed, for the use of the poor thereof.

XII. *And be it further enacted by the authority aforesaid,* That all and every justice of the peace for the county, and every mayor, recorder or alderman of the city, wherein any such offence shall be committed, may, and they are hereby respectively authorised and required to put this act in execution, against any person or persons within their respective jurisdictions, although such justice, mayor, recorder or alderman, shall be rated and pay to the relief of the poor of the city or town where any offence, contrary to the true intent and meaning of this act, shall be committed; any law or statute to the contrary notwithstanding.

XIII. *And be it further enacted by the authority aforesaid,* That no person shall be prosecuted or troubled for any offence against this act, unless the same be proved or prosecuted within twenty days next after the offence committed.

XIV. *And be it further enacted by the authority aforesaid,* That if any suit or action shall be commenced or brought against any justice of the peace, mayor, recorder, alderman, constable, or other officer or person whatsoever, for doing, or causing to be done, any thing in pursuance of this act, concerning any of the said offences, the defendant in such action or suit, may plead the general issue, and give the special matter in evidence: And if in any such action or suit, a verdict shall be given for the defendant, or the plaintiff become nonsuit, or discontinue his action, then the defendant shall have treble costs.

C H A P. XLIII.

An ACT for the Limitation of Criminal Prosecutions, and of Actions and Suits at Law.

Passed 26th February, 1788.

**W**HEREAS it is necessary for the peace of society, that certain times be limited for bringing all actions and suits at law ; Therefore,

*1. Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the*

*people of the state of New-York shall not, nor will, at any time after the first day of January, which will be in the year one thousand eight hundred, sue, impeach, question or implead, any person or persons, bodies politic or corporate, for or in any wise concerning any manors, lands, tenements, rents or hereditaments whatsoever (other than liberties or franchises) or for or in any wise concerning the*

*revenues, issues or profits thereof, or make any title, claim, challenge or demand, of, in or to the same, or any of them, by reason of any right or title which hath not first accrued and grown, or which shall not thereafter first accrue and grow within the space of forty years next before the filing, issuing or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding, as shall, at any time or times thereafter, be filed, issued or commenced for recovering the same, or in respect thereof, unless the people of the state of New-York, or some other person or persons, bodies politic or corporate, under whom the people of the state of New-York any thing have, or lawfully claim, or thereafter shall have or lawfully claim, have or shall have been answered, by force and virtue of any such right or title to the same, the rents, revenues, issues or profits thereof, or the rents, issues or profits of any manors or other hereditaments, whereof the premises in question shall be part or parcel, within the said space of forty years. And further, That all and every person or persons, bodies politic or corporate, their heirs and successors, and all claiming by, from or under them, or any of them, for and according to their and every their several estates and interests, which they have, or claim to have, or hereafter shall or may have, or claim to have in the same respectively, shall, at all times hereafter, quietly and freely have, hold and enjoy, against the people of the state of New-York, claiming, by any title which hath not first accrued or grown, or which shall not thereafter first accrue or grow within the space of forty years, all and singular the manors, lands, tenements, rents and hereditaments whatsoever (other than liberties and franchises) which he or they, or his or their, or any of their ancestors or predecessors, or those from, by or under whom he or they do, or hereafter shall claim or have, or hereafter shall have held or enjoyed, or taken the rents, revenues, issues or profits thereof, by the space of forty years next before the filing, issuing or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding, as shall, at any time or times thereafter, be filed, issued or commenced for recovering the same, or in respect thereof, unless the people of the state of New-York, or some other person or persons, bodies politic or corporate, under whom the people of the state of New-York any thing have or lawfully claim, or hereafter shall have or lawfully claim, in the said manors, lands, tenements, rents or hereditaments, by force of any right or title, have been, or shall have been answered, by virtue of any such right or title, the*

*After the first of January, 1800, no suit to be brought by the people of this state for lands, but within forty years next after their title shall have accrued.*

rents, revenues, issues or other profits thereof, within the said space of **forty years**. And further, That all and every person or persons, bodies **politic** and corporate, their heirs and successors, and all claiming or to claim, **by**, from and under them, or any of them, for and according to their and **every** of their several estates and interests, which they have or claim, or hereafter shall or may have or claim respectively, shall forever hereafter, quietly and **sejely** have, hold and enjoy, all such manors, lands, tenements, rents and hereditaments (other than liberties and franchises) as they now have, claim or enjoy; or hereafter shall or may have, claim or enjoy, whereof the people of the state of New-York, or he or they, by, from or under whom the people of the state of New-York any thing have or lawfully claim, or hereafter shall have or lawfully claim, or some of them, by force of some right or title to the same, have not or shall not have been answered by virtue of such right or title, the rents, revenues, issues or profits thereof, within the space of forty years next before the filing, issuing or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding, as shall, at any time or times thereafter, be filed, issued or commenced for recovering the same, or in respect thereof, within the said space of **forty years**, against all and every person and persons, his and their heirs and assigns, having, claiming, or pretending to have, or who shall or may have, claim, or pretend to have, any estate, right, title, interest, claim or demand whatsoever, of, in or to the same, by force or colour of any letters patent or grants, upon suggestion of concealment, or wrongful detaining, or defective titles, or by, from or under any patentees or grantees, or any letters patent or grants, upon suggestion of concealment, or wrongful detaining, or defective titles, of or for which said manors, lands, tenements, rents and hereditaments, or any of them, no verdict, judgment, decree, judicial order upon hearing, or sentence of any court, now standing in force, hath been had or given, or any such verdict, judgment, decree, judicial order upon the hearing, or sentence of court, shall hereafter be had or given, in any action, bill, plaint or information, in any court of record in this state, for or in the name of the people of the state of New-York, or for any of the said patentees or grantees, or for their or any of their heirs or assigns, within the space of **forty years** then last past, or within the space of **forty years** next before the filing, issuing or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding as shall, at any time or times hereafter, be filed, issued or commenced for recovering the same, or in respect thereof as aforesaid.

*II. And be it further enacted by the authority aforesaid,*

No person shall, before the first of January, 1891, sue any writ of right, or make any prescription, title or claim to or for any lands of the possession of any ancestor, but within **sixty years**,

That no person or persons shall hereafter, and before the first day of January, which will be in the year one thousand eight hundred, sue, have or maintain, any writ of right, or make any prescription, title or claim, of, to or for any manors, lands, tenements, or other hereditaments of the possession of his or their ancestor or predecessor, and declare and alledge any further seisin or possession of his or their ancestor or predecessor, but only of the seisin or possession of his or their ancestor or predecessor, which hath been, or now is, or shall be seized of the said manors, lands, tenements, or other hereditaments, within **sixty years** next before the test of the same writ, or next before the said prescription, title or claim, so hereafter to be sued, commenced, brought, made or had.

to have any possession  
upon the posses-  
sion of any ancestor,  
but within fifty years;

III. *And be it further enacted by the authority aforesaid,*

That no manner of person or persons shall hereafter, and before the said first day of January, which will be in the year one thousand eight hundred, sue, have or maintain, any writ of entry, or other writ or action upon disseisin done to any of his or their ancestors or predecessors, or any other action possessory, upon the possession of any of his or their ancestors or predecessors, for any manors, lands, tenements, or other hereditaments, of any further seisin or possession of his or their ancestor or predecessor, but only of the seisin or possession of his or their ancestor or predecessor, which was, or hereafter shall be seized of the same manors, lands, tenements, or other hereditaments, within fifty years next before the test of the original of the same writ, hereafter to be brought.

for any action of his  
own seisin or posses-  
sion, but within thirty  
years;

IV. *And be it further enacted by the authority aforesaid,*

That no manner of person or persons shall hereafter, and before the said first day of January, which will be in the year one thousand eight hundred, sue, have or maintain, any action for any manors, lands, tenements, or other hereditaments, of or upon his, her or their own seisin or possession therein, above thirty years next before the test of the original of the same writ, hereafter to be brought.

for make any avowry  
or cognizance for any  
rent, suit or service,  
but within fifty years.

V. *And be it further enacted by the authority aforesaid,*

That no manner of person or persons shall hereafter, and before the said first day of January, which will be in the year one thousand eight hundred, make any avowry or cognizance for any rent, suit or service, and alledge any seisin of any rent, suit or service, in the same avowry or cognizance, in the possession of his, her or their ancestor or ancestors, predecessor or predecessors, or in his, her or their own possession, or in the possession of any other, whose estate he, she or they shall pretend or claim to have, above fifty years next before the making of the said avowry or cognizance.

VI. *Provided nevertheless, and be it further enacted by the au-*

After the first of  
January, 1800, no real  
action to be main-  
tained, nor avowry or  
cognizance made, but  
on a seisin within  
twenty-five years,  
living to the plaintiff  
the time he or she  
may have been under  
age, insane, covert,  
or in prison.

thority aforesaid, That from and after the said first day of January, which will be in the year one thousand eight hundred,

no action real shall be maintained, and no avowry or cognizance shall be made, unless on a seisin or possession of the hereditaments, either of the demandant or plaintiff, or person making avowry or cognizance, or of the ancestor or predecessor of such demandant or plaintiff, or person making avowry or cognizance, within twenty-five years next before such action brought, or avowry or cognizance made; with a saving, that no part of the time, during which the demandant or plaintiff, or person making avowry or cognizance, shall have been within the age of twenty-one years, insane, feme covert, or imprisoned, shall be taken as part of the said period of limitation of twenty-five years.

VII. *And be it further enacted by the authority aforesaid,*

All persons not prov-  
ing possession or seisin  
within the times  
above limited, to be  
barred forever.

That if any person or persons do, at any time hereafter, sue any of the said actions or writs, for any manors, lands, tenements, or other hereditaments, or make any avowry, cognizance, prescription, title or claim, of or for any rent, suit, service, or other hereditaments, and cannot prove that he or they, or his or their ancestors or predecessors, were in the actual possession or seisin of, and in the same manors, lands, tenements, rents, suits, services, annuities,

commons or other hereditaments, at any time or times within the year before limited and appointed in this act, and in manner and form aforesaid, if the same be traversed or denied by the party plaintiff, demandant or avowant, or by the party tenant or defendant, that then, and after such trial therein had, all and every such person and persons, and their heirs and successors, shall, from thenceforth, be utterly barred for ever, of all and every the said writs, actions, avowries, cognizance, prescription, title or claim, thereafter to be sued, had or made, of and for the same manors, lands, tenements, hereditaments, or other the premises, or any part of the same, for the which the same action, writ, avowry, cognizance, prescription title or claim, hereafter shall be so had, sued or made.

*VIII. And be it further enacted by the authority aforesaid,* That all writs of formedon, and scire facias upon fines, of any manors, lands, tenements, or other hereditaments, hereafter to be brought, shall be sued and taken within twenty years next after the title and cause of action first descended or fallen, and at no time after the said twenty years.

*IX. And be it further enacted by the authority aforesaid,* That no person or persons shall, at any time hereafter, make any entry into any manors, lands, tenements or hereditaments, but within twenty years next after his or their right or title descended or accrued to the same; and in default thereof, such person or persons so not entering, and his, her or their heirs, shall be utterly excluded and disabled from such entry after to be made. And further, That no claim or entry of, or upon any manors, lands, tenements or hereditaments, shall be a sufficient entry or claim within the meaning of this act, unless upon such entry or claim, an action shall be commenced within one year next after the making of such entry or claim, and prosecuted with effect.

*X. And be it further enacted by the authority aforesaid,* That all actions of trespass quare clausum fregit; all actions of trespass, detinue, actions of trover and replevin, for taking away of goods and chattels; all actions of account, and upon the case, other than such actions as concern the trade of merchandize between merchant and merchant, their factors or servants; all actions of debt grounded upon any lending or contract without specialty; all actions of debt for arrearages of rent; all suits and actions in the court of admiralty, for seamen's wages, and all actions of assault, menace, battery, wounding and imprisonment, or any of them, which shall, at any time hereafter, be sued or brought, shall be commenced and sued within the time and limitation hereafter expressed, and not after: That is to say, The said actions upon the case, other than for slander, and the said actions for account, and the said actions for trespass, debt, detinue and replevin, for goods or chattels, and the said actions of trespass quare clausum fregit, and the said suits and actions for seamen's wages, within six years next after the cause of such actions or suits, and not after; and the said actions of trespass for assault, menace, battery, wounding and imprisonment, or any of them, within four years next after the cause of such actions or suits, and not after; and the said actions upon the case for words, within two years next after the words spoken, and not after.

*XI. Provided always, and be it further enacted by the authority aforesaid,* That if in any of the said actions or suits, judgment shall be given for the plaintiff, and the same be

Writs of formedon and scire facias upon fines, to be brought within twenty years.

No entry to be made into lands but within twenty years.

No entry or claim to be good, unless suit brought within one year.

Time limited for bringing personal actions.

On reversal of a judgment, plaintiff may bring a new suit within a year.

reversed by error, or if a verdict pass for the plaintiff, and upon matter alledged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his plaint, writ or bill, or if any of the said actions shall be brought by original, and the defendant therein be outlawed, and shall after reverse the outlawry; that in all such cases, the party plaintiff, his heirs, executors or administrators, as the case shall require, may commence a new action or suit, from time to time, within one year next after such judgment reversed, or such judgment given against the plaintiff, or outlawry reversed, and not after.

*XII. Provided also, and be it further enacted by the authority aforesaid,* That if any person or persons who is, or shall be entitled to such writ or writs of formedon, or scire facias, or who hath or shall have such right or title of entry, be or shall be, at the time of the said right or title first descended, accrued, come or fallen within the age of one-and-twenty years, feme covert, insane, or imprisoned, that then such person and persons, and his and their heir and heirs, shall or may, after the said twenty years be expired, bring such action, or make such entry as he or they might have done before this act, so as such person or persons shall, within ten years next after his or their full age, discovery, coming of sound mind, or enlargement out of prison, or the heir or heirs of such person or persons, within ten years next after the death of such person or persons, take benefit of, and sue forth the same, and at no time after the said ten years. And further, That if any person or persons, who is or shall be entitled to any such suit or action, for seaman's wages, or to any such action of trespass quare clausum fregit, detinue, trover, replevin, actions of account, or upon the case, action of debt, action of trespass for assault, menace, battery, wounding, imprisonment, or action upon the case for words, or any of them, be or shall be, at the time of any such cause of action, given or accrued, fallen or come, within the age of twenty-one years, feme covert, insane, or imprisoned, that then, and in every such case, such person or persons shall be at liberty to bring the same actions, so as they take the same within such times as are before limited, after their coming to or being of full age, discovery, of sane memory, or at large, as other persons having no such impediment should have done. And moreover, That if any person or persons against whom there is or shall be any such cause of suit, or action for seaman's wages, or against whom there is or shall be any cause of action of trespass, detinue, trover or replevin, or of action of account, or upon the case, or of debt, grounded upon any lending or contract without specialty, or debt for arrearages of rent, or of trespass for assault, menace, battery, wounding or imprisonment, or any of them, be or shall be out of this state, at the time of any such cause of suit or action given or accrued, fallen or come, then, and in every such case, such person or persons who is or shall be entitled to any such suit or action, shall be at liberty to bring the said actions, against such person or persons, after his, her or their coming or return to this state, so as they take the same after such return or coming to this state, within such times as are respectively before limited for the bringing of the said actions by this act.

*XIII. And be it further enacted by the authority aforesaid,* That all actions, suits, bills, indictments or informations, which at any time hereafter shall be had, brought, sued or exhibited, for any forfeiture upon any penal statute made

Time limited for bringing actions or informations upon penal statutes.

or to be made, whereby the forfeiture is or shall be limited to the people of the state of New-York only, shall be had, brought, sued or exhibited, within two years next after the offence committed, or to be committed against such penal act, and not after the said two years. And that all actions, suits, bills or informations, which shall, at any time hereafter, be had, brought, sued, commenced or exhibited, for any forfeiture upon any penal statute, made or to be made, the benefit and suit whereof is or shall be, by the said statute, limited or given to any person or persons who shall prosecute for the same, or to the people of the state of New-York, and to any other who shall prosecute in that behalf, shall be had, brought, sued, commenced or exhibited, by any person who may lawfully pursue for the same as aforesaid, within one year next after the offence committed, or to be committed against the said statute; and in default of such pursuit, that then the same shall be had, sued, exhibited or brought for the people of the state of New-York, at any time within two years after that year ended. And that all actions, suits, bills or informations, which shall at any time hereafter be had, brought, sued, commenced or exhibited, for any forfeiture or cause, upon any statute made or to be made, the benefit and suit whereof is or shall be given or limited to the party aggrieved, shall be had, brought, sued, commenced or exhibited, within the space of three years next after the offence committed, or to be committed, or cause of action accrued, and not after. And if any action, suit, bill, indictment or information, for any offence against any statute made or to be made, shall be brought after the time in that behalf before limited, that then the same shall be void and of none effect; any law, usage or custom to the contrary notwithstanding. Provided always, That where any action, information, indictment or other suit, is or shall be limited by any statute to be had, sued, commenced, brought or exhibited, within a shorter time than is hereby limited, then, and in every such case, the action, information, indictment or other suit, shall be brought within the time limited by such statute.

*XIV. And be it further enacted by the authority aforesaid,*  
 That all suits, informations or indictments, which at any time hereafter shall be brought, commenced or exhibited, for any crime or misdemeanor (murder excepted) whether capital or not capital, shall be brought, commenced or exhibited within three years next after the offence committed, or to be committed, and not after the expiration of the said three years. And if any suit, information or indictment, for any crime or misdemeanor (except murder) shall be had, brought or exhibited after the time hereby limited, that then the same shall be void and of none effect; any law, usage or custom to the contrary notwithstanding. Provided always, That where any information, indictment or other suit, for any crime or misdemeanor, is limited by any statute, to be brought or exhibited within a shorter time than is hereby limited, then, and in every such case, the information, indictment, or other suit, shall be had, brought or exhibited, within the time limited by such statute.

*XV. And be it further enacted by the authority aforesaid,*  
 That no part of the time from the fourteenth day of October, in the year one thousand seven hundred and seventy-five, to the twenty-first day of March, one thousand seven hundred and eighty-three, shall be deemed, computed, pleaded or adjudged, as part of the respective periods herein before limited for making any title, prescription, cognizance or claim, or bringing, suing, commencing or prosecuting any writ, action, suit or plaint.

Time limited for  
 instituting criminal  
 suits.

Explained,  
 13th sess. ch. 55.

The period between  
 14th October, 1775,  
 and 21st March, 1785,  
 not to be computed as  
 part of the time of  
 limitation.



C H A P. XLIV.

*An ACT for directing the Manner of proving Deeds and Conveyances to be recorded.*

Passed 26th February, 1788.

**I** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That all and every deed and deeds, conveyance and conveyances, and writings whatsoever relating to the title or property of any messuages, lands, tenements or hereditaments within this state, heretofore executed, or hereafter to be executed, being duly acknowledged by the party or parties executing the same, or duly proved by one or more of the subscribing witnesses to the execution thereof, and recorded in the office of the secretary of this state, or in the office of the clerk of the county in which such lands are situated, shall and may be read as evidence, in any court in this state, without further or other proof of the execution thereof, and the record thereof, or a transcript of the same, shall and may be given and received in evidence.

**II.** *And be it further enacted by the authority aforesaid,* That no deed, conveyance or other writing, relating to any lands, tenements or real estate, heretofore executed, and not already acknowledged or proved, according to law, or hereafter to be executed, shall be recorded, unless the same shall be duly acknowledged by the party or parties executing the same, or the execution thereof be duly proved by one or more of the subscribing witnesses to the same, before one of the justices of the supreme court, or a master in chancery, or one of the judges of the court of common pleas in and for the county where such lands and real estate are situated; or if such lands and real estate be in the city of New-York, Albany or Hudson, before the mayor or recorder of the same cities respectively; and a certificate of such acknowledgment or proof be indorsed upon such deed, conveyance or other writing, signed by the person before whom the same was taken.

**III.** *And be it further enacted by the authority aforesaid,* That no estate of a feme covert, shall henceforth pass by her deed, without a previous acknowledgment by her, on a private examination, apart from her husband, before one of the justices of the supreme court, or a master in chancery, or one of the judges of the court of common pleas, in and for the county where such lands or real estate shall be situated, or if such lands or real estate be in the city of New-York, Albany or Hudson, before the mayor or recorder of the same cities respectively, that she executed such deed freely, without any fear or compulsion of her husband, and a certificate thereof, purporting that she had been privately examined, and confessed that she executed the same freely, without any fear or compulsion of her husband, endorsed on the deed conveying the same, and signed by the person before whom such acknowledgment shall be made.

C H A P. XLV.

*An ACT to prevent Frauds by Mortgages, and for securing the Purchasers of mortgaged Estates.*

Passed 26th February, 1788.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That each and every of the clerks of the respective cities and counties in this

state, shall, from time to time, provide fit and convenient blank-books, for the registering of all mortgages of any messuages, lands, tenements or hereditaments, situate and lying within their respective cities and counties ; in which register shall be entered the names of the mortgagors and mortgagees, the dates of the respective mortgages, the mortgage money, the time or times when payable, the description and boundaries of the messuages, lands, tenements or hereditaments mortgaged, and the time when such mortgages are registered or recorded ; to which register, all persons whomsoever, at proper seasons, may have recourse and search, and for which the said clerks shall have and receive, for entering each mortgage, the sum of six shillings, and for every search one shilling, and no more. And further, That if any clerk shall neglect or refuse to do the duty required of him by this act, he shall answer to the party injured, all damages which shall happen, by reason of such neglect or refusal.

II. *Provided always, and be it further enacted by the authority aforesaid,* That no deed, conveyance or other writing, by way of mortgage, shall, after the passing of this act, be entered in any such register, unless the execution thereof be duly acknowledged by the grantor or grantors, or proved by one or more of the subscribing witnesses to the execution thereof, before one of the justices of the supreme court, or a master in chancery, or one of the judges of the court of common pleas of the county where the messuages, lands, tenements or hereditaments so mortgaged, lay, or if the same messuages, lands, tenements or hereditaments, shall be in the city of New-York, Albany or Hudson, before the mayor or recorder of the same cities respectively, who are hereby respectively authorized and required to take the same, and to endorse a certificate of such acknowledgment, or proof of the execution of such mortgages, in the manner and form directed and prescribed in and by the act, entitled, An act directing the manner of proving deeds and conveyances, to be recorded.

III. *And be it further enacted, the authority aforesaid,* That every deed conveying a real estate, made after the first day of June, in the year one thousand seven hundred and seventy-four, or to be made after the passing of this act, which by any other instrument or writing shall appear to have been intended only as a security in the nature of a mortgage, though it be an absolute conveyance in terms, shall be considered as a mortgage, and be deemed and adjudged to be liable to be registered as other mortgages are by virtue of this act ; and that the person or persons for whose benefit such deed shall be made, shall not have the advantages given by this act to mortgagees, unless every instrument and writing operating as a defeasance of the same, or explanatory of its being designed to have the effect only of a mortgage or conditional deed, be also therewith registered in substance, as in case of a mortgage.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, hath or have, after the first day of June, in the year one thousand seven hundred and sixty-four, mortgaged, or shall after the passing of this act, mortgage any messuages, lands, tenements or hereditaments, to two or more persons, at different times, and any doubt or dispute shall arise about the priority of such mortgages, that then, and in

Every deed of a real estate appearing by any other writing to be by way of security, though it be in absolute terms, to be considered as a mortgage, and registered as such ; and the registry thereof to be of no validity, unless the instrument operating as a defeasance be registered therewith.

When two or more mortgages are executed by the same person on the same lands, the first registered to have priority.

such case, the mortgage first entered in the register in the city or county where the lands, tenements or real estates so mortgaged, lie, in the manner herein before directed, shall be deemed and taken, and is hereby declared, and shall be adjudged by all courts of law and equity within this state, to be the first or prior mortgage; provided it hath been, or shall be made bona fide, and upon good and valuable consideration; any law, usage or custom to the contrary notwithstanding.

*V. And be it further enacted by the authority aforesaid,* That every mortgage of the same real estates of estates, or parts thereof, executed after the nineteenth day of March, in the year one thousand seven hundred and seventy-four, or to be executed after the passing of this act, whether made by the same or different persons, shall have priority, and the benefits thereof given by this act, according to the time of the actual registry thereof.

Mortgages, whether made by the same or different persons to have priority, according to the time of the registry thereof.

When mortgages are redeemed, how the registry thereof to be barred or discharged.

*VI. And be it further enacted by the authority aforesaid,* That whenever any mortgage or mortgages, so entered as aforesaid, shall be redeemed, paid off and discharged, the clerks of the respective cities and counties, on application to them made by the mortgagors, or persons redeeming, paying off and discharging such mortgages, and producing a certificate to the respective clerks of the respective cities or counties, signed by the respective mortgagee or mortgagees, in such mortgage named, his, her or their executors, administrators or assigns, in the presence of two or more witnesses, and acknowledged by the party or parties signing the same, or proved by the oath of at least one of the subscribing witnesses thereto, before one of the justices of the supreme court, or a master in chancery, or one of the judges of the court of common pleas of the county where the messuages, lands, tenements or hereditaments, so mortgaged, lie, or if such mortgaged premises be in the city of New-York, Albany, or Hudson, before the mayor or recorder of the same cities respectively, and the same acknowledgment or proof be endorsed on such certificate, such respective clerks shall, and they are hereby required to enter in the aforesaid book or register of mortgages, a minute of the said discharge or discharges; which minute, so entered, shall be deemed and taken to be, and is hereby declared to be a full, perfect and absolute bar to the first entry of any such mortgage or mortgages; for which entry, the respective clerks shall have and receive the sum of one shilling, and no more.

*VII. And whereas many real estates are held under sales made by mortgagees, who were authorized by the mortgagor or mortgagors to make conveyance of the same in fee, for the payment of the debt or demand secured by such mortgage, and to return the surplus of the purchase money to the mortgagor or mortgagors; and as many inconveniences may arise, vexatious suits be promoted, and bona fide purchasers ruined, if such estates should be redeemable in equity; Therefore, Be it further enacted by the authority*

No bona fide sale of mortgaged estates, by virtue of a power therein, to be defeated in favour of the person claiming the equity of redemption, &c.

*aforesaid,* That no good and bona fide sale of messuages, lands, tenements or hereditaments, made or to be made by mortgagees or others authorized thereunto, by special power for that purpose, in due form of law, from him or them who had the equity of redemption, shall be defeated to the prejudice of the bona fide purchasers thereof, in favour or for the advantage of any person or persons claiming a right of redemption in equity. Provided always, That nothing in this act contained, shall be construed to prejudice any other mortgagee of the same messuages, lands,

tenements or hereditaments, or any part thereof, whose title accrued prior to such bona fide sale, or any creditor to whom the mortgaged premises, or any part thereof, was before bound by any judgment at law, or decree in equity.

VIII. And to prevent fraudulent advantages from being taken to the prejudice of young and extravagant persons; *Be it further enacted by the authority aforesaid*, That nothing in this act contained, shall operate for the security of any purchase in fee, under any power executed for that purpose after the said nineteenth day of March, in the year one thousand seven hundred and seventy-four, or to be executed for that purpose after the passing of this act, to the mortgagee or mortgagees, unless the person or persons giving such power, be of the age of at least twenty-five years. And further, That all powers to mortgagees now made, or hereafter to be made, for making sales in fee, shall be acknowledged or proved, and recorded as other deeds and conveyances usually are, before the conveyances for the sale be executed. And moreover, That every such sale shall be at public auction or vendue; and public notice shall be given thereof by advertisements, one copy whereof to be inserted and continued at least once a week, for six months previous to such sale, in one of the public news-papers printed in this state, and another copy thereof to be fixed upon the outward door of the court-house of the city or county in which the mortgaged premises, or the greater part of them, lay.

IX. *And be it further enacted by the authority aforesaid*, That no deed, conveyance, instrument or writing whatsoever, in the nature of a mortgage, made and executed after the said nineteenth day of March, in the year one thousand seven hundred and seventy-four, or to be made and executed after the passing of this act, shall, in any manner defeat, prejudice or affect the title or interest of any bona fide purchaser of any messuages, lands, tenements or hereditaments, unless the same shall have been duly registered in manner aforesaid; any thing in this act contained to the contrary notwithstanding.

# C H A P. XLVI.

*An ACT for the Amendment of the Law, and the better Advancement of Justice.*

Passed 27th February, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That if any two or more, dealing together, be indebted to each other, upon bonds, bills, bargains, contracts, promises, accounts, or the like, and one of them, or his or her executors or administrators, commence an action against the other or others, his, her or their executors or administrators, in any court of this state, if the defendant or defendants cannot gain say the deed, bargain or assumption, upon which he, she or they is or are sued, it shall be lawful for such defendant or defendants to plead payment of all, or any part of the debt or sum demanded, giving notice, in writing, with the said plea, of what he, she or they, will insist upon at the trial, for his, her or their discharge, and to give any bond, bill, receipt, account, bargain or contract so given notice of, in evidence; and if such suit shall be brought on a bond, bill or other contract, for the recovery of a penalty, on the non-payment of money only, or for a penalty to secure or enforce the payment of money

only; and if any bond, bill or contract with such penalty as aforesaid, shall be given in evidence for the plaintiff or defendant upon such trial, in all such cases the sum bona fide, and in equity due, and not the penalty, shall be deemed as the debt due. And if it shall appear that the debt or sum demanded, is paid or satisfied, the jury shall find for the defendant or defendants, and judgment shall be entered, that the plaintiff or plaintiffs take nothing by his, her or their writ, bill or plaint; and unless the plaintiff or plaintiffs prosecute as executors or administrators, the defendant or defendants shall also recover his, her or their costs of suit, against such plaintiff or plaintiffs; and if it shall appear that any part of the debt or sum demanded, is paid or satisfied, then so much as is found to be paid or satisfied, shall be discounted, and the plaintiff or plaintiffs shall have judgment for the residue only, with costs of suit: But if it appear to the jury, that the plaintiff or plaintiffs is or are over paid, then they shall find a verdict for the defendant or defendants, and withall certify to the court how much they find the plaintiff or plaintiffs to be indebted or in arrear to the defendant or defendants, more than will answer the debt or sum demanded; and the sum so certified, shall be recorded with the verdict, and the defendant or defendants shall have judgment and execution for the same, together with his, her or their costs of suit, unless the plaintiff or plaintiffs prosecute as executors or administrators, in which case the sum so certified, shall be deemed a debt of record to be paid in the course of administration; and the defendant or defendants, for recovery thereof, shall have an action of debt, or a scire facias, against the plaintiff or plaintiffs in the said action.

*II. And be it further enabled by the authority aforesaid,*

If it appears in any cause, that the trial will require the examination of a long account, the court, after issue joined, may refer the same to three referees,

Unless on naming them the parties agree upon others, or elect three jurors be ballotted for.

That whenever it shall appear probable, in any cause depending in any court of record in this state, as well where an executor or executors, administrator or administrators, is, are, or may be party or parties, as otherwise, that the trial of the same will require the examination of a long account, either on one side or the other, the said court, at any time after issue is joined in such cause, is hereby authorized, with or without the consent of parties, to refer such cause, by rule to be made at discretion, to referees, who shall be three such persons as the court shall nominate, unless upon naming them the parties agree upon and name others, or shall elect that three persons be ballotted for, out of the panel of the jurors, if there be a jury returned for the trial of the cause in the usual form of balloting for jurors; which referees finally fixed on, shall hear and examine the matters in controversy, and report thereon, upon pain of contempt; and an entry shall be made upon the record of such reference, and day shall be given to the parties from time to time, until the referees shall make a report in the premises, or they be thereof discharged. And if the report or award of the referees, or of the major part of them, shall be confirmed by the said court, and any sum be thereby found for the plaintiff or plaintiffs, judgment shall be entered for the same, with costs, if by law the plaintiff or plaintiffs would have recovered costs, had a verdict passed in the same cause for the sum so reported to be due; but if the referees, or the major part of them, shall report that there is not any thing due to the plaintiff or plaintiffs, and the report be confirmed, then judgment shall be entered against the plaintiff or plaintiffs, that he, she, or they take nothing by his, her or their writ, bill or plaint; and the defendant or defendants shall, in such case, have judgment for, and recover his, her

or their costs to be taxed, against the plaintiff or plaintiffs, if by law such defendant or defendants would have been entitled to costs, if a verdict had passed in the same cause for him, her or them; and if in any case, the referees, or the major part of them, shall report any sum to be due to the defendant or defendants, and the report be confirmed, then judgment shall be entered against the plaintiff or plaintiffs, that he, she or they take nothing by his, her or their writ, bill or plaint. And further, That the defendant or defendants shall recover against such plaintiff or plaintiffs, the sum so reported to be due to him, her or them, with costs of suit, to be taxed; and shall have execution for the same, unless the plaintiff or plaintiffs prosecute as executors or administrators, in which case the sum so reported, with the costs so taxed, shall be deemed a debt of record, to be paid in the course of administration, and the defendant or defendants, for the recovery thereof, shall have an action of debt, or a scire facias, against the plaintiff or plaintiffs.

III. *And be it further enacted by the authority aforesaid,* That where any such action, or scire facias, shall be brought for the recovery of any sum so found, or reported to be due to any defendant or defendants, the person or persons against whom such action or scire facias shall be brought, may plead, that he, she or they, had fully administered the goods of his, her or their testator or intestate, at the time of the verdict given, or report made, and may give in evidence any payments made by him, her or them, or judgment obtained against him, her or them, before that time.

IV. *And be it further enacted by the authority aforesaid,* That upon taxing the costs in all causes so referred, where costs are to be recovered, a reasonable allowance shall be made to the prevailing party, for such services and expenses as may accrue upon, or attend the reference of the cause; and that process of subpoena may issue to convene witnesses before the referees, as is usual on the execution of writs of enquiry of damages, who shall be examined on oath; and that there shall be allowed to each referee, attending the said business, the sum of eight shillings for every day necessarily spent in the business of the reference, besides a reasonable allowance for their expenses, which shall be paid by the prevailing party, and shall be allowed upon taxing costs, where costs are recoverable. And further, That each referee, before he proceeds to the business of the reference, shall take an oath, faithfully and fairly to hear and examine the cause, and make a true and just report, according to the best of his skill and understanding; which oath, as well as the oaths of the witnesses, may be taken before any judge of any court of record, or any justice of the peace.

V. *And be it further enacted by the authority aforesaid,* That where any action of debt is or shall be brought upon any single bill, or where any action of debt or scire facias, is or shall be brought upon any judgment, if the defendant hath paid the money due upon such bill or judgment, such payment shall and may be pleaded in bar of such action or suit; and where an action of debt is or shall be brought upon any bond which hath a condition or defeasance to make void the same upon payment of a less sum, at a day or place certain, if the obligor, his heirs, executors or administrators have, before the action brought, paid to the obligee, his executors or administrators, the principal and interest due by the condition or defeasance of such bond, though such payment was not made strictly according to the condition or defeasance, yet it shall and may nevertheless be pleaded in bar of such action, and shall be as effectual a bar thereof, as if the money had been paid

at the day and place, according to the condition or defeazance, and had been so pleaded.

VI. *And be it further enacted by the authority aforesaid,* That if at any time pending an action upon any such bond with a penalty, the defendant shall bring into the court where the action shall be depending, all the principal money and interest due on such bond, and also all such costs as have been expended in any suit or suits in law or equity, upon such bond, the said money so brought in, shall be deemed and taken to be in full satisfaction and discharge of the said bond, and the court shall and may give judgment to discharge every such defendant of and from the same accordingly.

VII. *And be it further enacted by the authority aforesaid,* That in all actions now depending, or hereafter to be commenced or prosecuted in any court of record, upon any bond or bonds, or for any penal sum, for non-performance of any covenants or agreements in any indenture, deed or writing contained, or upon any bond or bonds, with any condition, other than for payment of money, the plaintiff or plaintiffs may assign as many breaches as he or they may think fit, and the jury upon trial of such action or actions, shall and may assess, not only such damages and costs of suit as have heretofore been usually done in such cases, but also damages for such of the said breaches so assigned, as the plaintiff or plaintiffs, upon the trial of the issues, shall prove to have been broken; and that the like judgment shall be entered on such verdict, as heretofore hath been usually done in such like actions; And if the judgment shall be given for the plaintiff or plaintiffs, on a demurrer, or by confession, or nihil dicit, the plaintiff or plaintiffs may suggest upon the roll or record, as many breaches of the covenants, conditions or agreements, as he or they shall think fit, upon which shall issue a writ to the sheriff of the county where the action is or shall be brought or laid, to summon a jury to appear in the court where the action is or shall be brought, if such court shall sit in the same county where the action is or shall be brought; or in case the court in which the action is or shall be brought, shall not sit in the county where the action is laid, then before the justices or justice of the supreme court, at the next circuit court to be held in the county where the action is laid, to enquire of the truth of every one of those breaches, and to assess the damages that the plaintiff or plaintiffs shall have sustained thereby; in which writ, if to be executed before the justices of the supreme court, or any of them, at the circuit court, it shall be commanded to the said justices or justice who shall hold such circuit court, that he or they make a return thereof to the court from whence the same writ shall issue, at the time in such writ mentioned. And in case the defendant or defendants, after such judgment entered, and before any execution executed, shall pay into the court where the action is or shall be brought, to the use of the plaintiff or plaintiffs, or his or their executors or administrators, such damages so to be assessed by reason of all or any of the breaches of such covenants, conditions or agreements, together with costs of suit, a stay of execution of the said judgment, shall be entered upon record; or if by reason of any execution executed, the plaintiff or plaintiffs, or his or their executors or administrators, shall be fully paid or satisfied all such damages so assessed, together with his or their costs of suit, and all reasonable charges and expences for executing the said execution, the body, lands and goods of the defendant, shall be thereupon forthwith discharged from the said execution, which shall likewise be entered

upon record ; but notwithstanding, in each case such judgment shall remain, continue and be as a further security to answer to the plaintiff or plaintiffs, and his or their executors or administrators, such damages as shall or may be sustained for further breach of any covenant or covenants, condition or conditions, agreement or agreements in the same bond, indenture, deed or writing contained, upon which the plaintiff or plaintiffs, or his or their executors or administrators, may have a scire facias upon the said judgment, against the defendant or defendants, or against his, her or their heirs, devisees or terre-tenants, or executors or administrators, suggesting other breaches of the said covenants, conditions or agreements, and to summon him or them respectively, to shew cause why execution shall not be had or awarded upon the said judgment, upon which there shall be the like proceedings as were in the action of debt upon the said bond or obligation, for assessing of damages upon trial of issues joined upon such breaches, or enquiry thereof, upon a writ to be awarded in manner aforesaid. And that upon payment or satisfaction, in manner as aforesaid, of such future damages, costs and charges as aforesaid, all further proceedings on the said judgment, shall again be stayed, and so toties quoties ; and the defendant, his body, lands and goods, shall be discharged out of execution as aforesaid.

VIII. *And be it further enacted by the authority aforesaid,* That if any person or persons have been, or shall be arrested by any writ, bill or process, issuing out of any court of record, at the suit of any common person or persons, and the sheriff, or any other officer, hath taken, or shall take bail from such person or persons, against whom such writ, bill or process was or shall be taken out, the sheriff, or other officer, at the request and costs of the plaintiff in such action or suit, or his lawful attorney, shall assign to the plaintiff in such action, the bail-bond, or other security taken from such bail, by indorsing the same, and attesting it under his hand and seal, in the presence of two or more credible witnesses. And if the said bail-bond, or assignment, or other security taken for bail, be forfeited, the plaintiff in such action, after such assignment made, may bring an action or suit thereupon, in his own name ; and the court where the action is brought, may, by rule or rules of the same court, give such relief to the plaintiff and defendant in the original action, and to the bail upon the said bond, or other security taken from such bail, as is agreeable to justice and reason ; and that such rule or rules of the said court, shall have the nature and effect of a defeazance of such bail-bond, or other security for bail.

IX. *And be it further enacted by the authority aforesaid,* That in all actions depending, or to be commenced in any court of record, if any plaintiff happen to die after an interlocutory judgment, and before a final judgment obtained therein, the said action shall not abate by reason thereof, if such action might be originally prosecuted or maintained by the executors or administrators of such plaintiff ; and if the defendant die after such interlocutory judgment, and before final judgment therein obtained, the said action shall not abate, if such action might be originally prosecuted or maintained against the executors or administrators of such defendant ; and the plaintiff, or if he be dead, after such interlocutory judgment, his executors or administrators, shall and may have a scire facias against the defendant, if living, after such interlocutory judgment, or if he died after, then against his executors or administrators, to shew cause why damages in such action should not be assised and recovered by him or them ; and if such defendant, his executors or administrators, shall appear at the return of such writ, and not



shew or alledge any matter sufficient to arrest the final judgment, or being returned warned, or upon two writs of scire facias, it be returned, that the defendant, his executors or administrators, had nothing whereby he or they might be summoned, and could not be found in the county, shall make default, that thereupon a writ of enquiry of damages shall be awarded, which being executed and returned, judgment final shall be given for the said plaintiff, his executors or administrators, prosecuting such writ or writs of scire facias, against such defendant, his executors or administrators respectively.

Where there are two or more plaintiffs or defendants, the suit shall not abate by the death of one, if the action survives to the other.

death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

Death of either party between verdict and judgment, not to be alleged for error.

The want of fifteen days between the teste and return of any jury process, in personal actions, not to be alleged for error.

remedy whereof, *Be it further enacted by the authority aforesaid,* That in all actions of debt, and all other personal actions whatsoever, and in all actions of ejectment for lands or tenements now depending, or which at any time hereafter shall be depending, by original writ, in any court of record, after any issue joined therein, to be tried by a jury, and also after any judgment had or obtained, or to be had or obtained, in any such court, in any such action as aforesaid, there shall not need to be fifteen days between the teste day and the day of the return of any writ or writs of venire facias, habeas corpora juratorum, or distringas juratores, writs of fieri facias, or capias ad satisfaciendum (except writs of capias ad satisfaciendum, whereon a writ of exigent, after judgment, is to be awarded, and writs of capias ad satisfaciendum against defendants, in order to make any bail liable) and that the want of fifteen days between the teste day and the day of the return of any such writ (except as before excepted) shall not be, nor shall be assigned, taken or adjudged to be any matter or cause of error.

XIII. And whereas many and great inconveniences have arisen to the citizens and inhabitants of this state, by means of delaying the trials of causes between party and party, after issue joined; For remedy whereof, *Be it further enacted by the authority aforesaid,* That where any issue is or shall be joined, whether the issue roll be filed or not, in any action or suit at law, in any court of record, and the plaintiff or plaintiffs in any such action or suit, hath or have neglected, or shall neglect to bring such issue on to be tried, according to the course and practice of the said courts respectively, it shall and may be lawful for the judge or judges of the said court respec-

After issue joined in any action, if the plaintiff neglects to bring such issue to trial, the court may give judgment as in cases of non-suit;

tively, at any time after such neglect, upon motion made in open court (due notice having been given thereof) to give the like judgment for the defendant or defendants in every such action or suit, as in cases of nonsuit, unless the said judge or judges shall, upon just cause and reasonable terms, allow any further time or times for the trial of such issue; and if the plaintiff or plaintiffs shall neglect to try such issue within the time or times so allowed, then, and in every such case, the said judge or judges shall proceed to give such judgment as aforesaid: And that all judgments, so given, shall be of like force and effect as judgments upon nonsuits, and of no other force or effect. And also, That the defendant or defendants shall upon such judgment be awarded, his or her, or their costs, in any action or suit where he, she or they, would upon nonsuit be entitled to the same; and in no other action or suit whatsoever.

XIV. *And be it further enacted by the authority aforesaid,* That no indictment, information, or cause whatsoever, shall be tried before any judge or judges of any court of record within this state, where the defendant or defendants reside above forty miles from the place where the court is held, in which such cause shall be tried, unless notice of trial in writing has been given at least fourteen days before such intended trial.

XV. *And be it further enacted by the authority aforesaid,* That in case any party or parties shall have given such notice of trial as aforesaid, and shall not afterwards duly countermand the same in writing, at least six days before such intended trial, every such party shall be obliged to pay unto the party or parties to whom such notice of trial shall have been given as aforesaid, the like costs and charges, as if such notice of trial had not been countermanded.

XVI. *And be it further enacted by the authority aforesaid,* That if in any suit or action now depending, or hereafter to be brought in the court of chancery, there be two or more plaintiffs or defendants, and one or more of them shall die, if the cause of such suit or action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, such suit or action shall not be thereby abated; but such death being suggested and shewn by affidavit or otherwise, to the satisfaction of the court, such suit or action shall proceed at the suit of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

XVII. *And be it further enacted by the authority aforesaid,* That in all and every suit or action in the court of chancery, in which any bill or bills is, are, or shall or may hereafter be filed, and in which there shall be two or more plaintiffs or defendants, and any of them shall die, and the cause of action shall not survive, but other persons shall become parties in interest, in right or by the death of such deceased party, such suit shall, by reason of such death, be abated, only with respect to such deceased person or persons, and the surviving plaintiff or plaintiffs shall and may proceed against the surviving defendant or defendants, without reviving the suit against the representatives of the deceased party, or any other who may become interested by the death of such person or persons; but that in such case such representatives, or such person or persons as shall become interested by the death of such party, shall not be bound by any order or decree, in such cause to which they are not made parties: And in case the plaintiff or plaintiffs shall

And such judgment to have the same force as judgments upon nonsuits.

Countermand of notice of trial to be given six days before the intended trial, or costs to be paid, as if not countermanded.

Suits in chancery, where there are two or more plaintiffs or defendants, not to abate by the death of one of them, if the cause survives to or against the other.

But if the cause does not survive, the suit only to abate with respect to the person deceased.

cause to make the representatives of the deceased person, or others, who may become interested by the death of such person, parties to such suit, no bill of revivor or subpoena ad revivendum, shall be necessary, but the court shall and may, by rule or order, as often as there shall be occasion for it, direct the suit to stand revived, which rule or order shall be served on the adverse clerk, and unless the representatives of such deceased person, or others who may become interested by the death of such person, shall, within eighty days after such service as aforesaid, appear and put in their answer, or signify their disclaimer of the suit, and the matters in controversy therein, the plaintiff or plaintiffs may cause their appearance to be entered; and in such case the answer of the deceased person shall be deemed and taken as and for the answer of such representatives, or other person or persons interested by the death of such person. And further, That in case any plaintiff or plaintiffs in any such suit now depending, or hereafter to be brought, wherein the cause of action shall not survive as aforesaid, shall happen to die pending such suit, the lawful representative or representatives of such deceased plaintiff or plaintiffs, or any other person or persons interested by the death of such plaintiff or plaintiffs, shall and may, upon affidavit thereof by him or them, or any other person or persons, and on motion made in open court, be, by the rule or order of the court, inserted as a complainant or complainants in the said suit, and be permitted to make such amendment in the bill or bills of complaint, as his, her or their title or interest therein may require; to which amendment or amendments the defendant or defendants shall be compellable, by rule or order of the said court, to answer, proceed to issue, and examination of witnesses, and production of proofs, and all other proceedings shall be had thereon as in ordinary cases; and in case such person or persons shall not, in eighty days after the death or deaths of such plaintiff or plaintiffs, cause himself, herself, or themselves, to be entered as plaintiff or plaintiffs as aforesaid, in the room of such deceased plaintiff or plaintiffs, that then, and in every such case, the surviving plaintiff or plaintiffs may insert the representative or representatives of such deceased plaintiff or plaintiffs, or other person or persons interested by his, her, or their death, as defendant or defendants in such suit, and proceed in the manner herein before directed, in cases where the lawful representative or representatives of a deceased defendant or defendants, may be made party or parties.

XVIII. *And be it further enacted by the authority aforesaid,* That no subpoena or any process for appearance, do issue out of the court of chancery, until after the bill is filed with the proper officer in the said court, except in cases of bills for injunctions to stay waste, or to stay suits at law commenced; and that no injunction shall be granted or issued in any case until the bill is filed as aforesaid. And further, That no copy, abstract or tenor of any bill in equity, do go with the dedimus, or commission for taking the defendant's answer.

XIX. *And be it further enacted by the authority aforesaid,* That if in any suit which hath been or shall hereafter be commenced in the court of chancery of this state, any defendant or defendants, against whom any subpoena or other process shall issue, shall not cause his, her or their appearance to be entered upon such process, within such time and in such manner as, according to the rules of the said court, the same ought to have been entered, in case such process had been duly served; or if any such defendant or defendants, after service of any subpoena or other process so issued out of the said

No process for appearance in chancery to issue until bills filed, except in certain cases.

court, shall neglect or refuse to enter his, her or their appearance, within six time and in such manner as directed by the rules of the said court, an affidavit or affidavits shall be made to the satisfaction of the said court, that the said defendant or defendants is or are beyond sea, or out of this state, otherwise absent himself, herself or themselves, in this state, then, and in all such case, the said court shall and may make an order, directing and appointing such defendant or defendants to appear at a certain day therein to be mentioned; and a copy of such order shall, within twenty days

Such order to be published:

And if the defendant does not appear within such time, the bill to be taken pro confesso.

be inserted in one or more of the public news-papers printed in this state, and be published therein eight weeks successively, at least once in each of the said weeks, and if the defendant or defendants do not appear within the time limited by the said order, or within such further time as the court shall appoint, then, on proof made to the satisfaction of the court, that such order was duly published as aforesaid, the said court may order the plaintiff's bill to be taken pro confesso, and make such decree thereupon as shall be thought just; and may thereupon issue process to compel the performance of such decree, either by an immediate sequestration of the real and personal estate and effects of the defendant or defendants so absent as aforesaid, or such part thereof as may be sufficient to satisfy the demands of the plaintiff in the said suit, or by causing possession of the estate or effects demanded by the bill to be delivered to the plaintiff; and the said court of chancery may likewise order such plaintiff or plaintiffs to be paid and satisfied his, her or their demands out of the estate or effects so sequestered, according to the true intent and meaning of such decree; such plaintiff or plaintiffs first giving sufficient security in such sum as the court shall think proper, to abide such order touching the restitution of such estate or effects as the said court shall think proper to make concerning the same, upon the defendant or defendants appearance to defend such suit, and paying such costs to the plaintiff or plaintiffs, as the court shall order: But if the plaintiff or plaintiffs shall refuse or neglect to give such security as aforesaid, then the said estate or effects shall remain under the direction of the said court, until the appearance of the defendant or defendants, and his, her or their paying such costs to the plaintiff or plaintiffs, as the said court shall think reasonable, or until such order shall be made therein as the court shall think just.

XX. *Provided always, and it is hereby further enabled by the authority aforesaid,* That if any decree shall be made, in pursuance hereof, against any person or persons so absent as aforesaid, and such person or persons, his, her or their heirs, devisees, executors or administrators (as the case may require) shall, within one year after notice in writing being given to him, her or them, of such decree, or, if no such notice is given, then within seven years after the making of such decree, appear in court, and petition to be heard with respect to the matter of such decree, and shall pay down, or give security for payment of such costs as the court shall think reasonable in that behalf, the person or persons so petitioning, may be admitted to answer the bill exhibited, and issue may be joined, and witnesses on both sides examined, and such other proceedings, decree and execution may be had thereon, as if the absent defendant or defendants had originally appeared, or as if no former decree had been in the same cause.

XXI. *Provided nevertheless, and be it further enabled by the authority aforesaid,* That if any person or persons, against whom such decree shall be made, his, her or their heirs, devisees, executors or administrators, shall not,

within seven years next after the making of such decree, appear and petition to have the cause re-heard, and pay down, or give security for payment of such costs as the court shall think reasonable in that behalf, such decree made as aforesaid, shall stand absolutely confirmed against the said person or persons against whom such decree shall be made, his, her and their heirs, executors and administrators, and against all persons claiming, or to claim, by, from or under him, her, them, or any of them, by virtue of any act done or to be done, subsequent to the commencement of such suit; and at the end of such seven years, it shall and may be lawful for the court to make such further order as shall be just and reasonable, according to the circumstances of the case.

**XXII.** *And be it further enacted by the authority aforesaid,* That if any defendant or defendants shall be brought into the said court of chancery, by any writ of habeas corpus, or other process issuing out of the said court, and shall refuse or neglect to enter his, her or their appearance, according to the rules of the said court, or to appoint a clerk in court to act on his, her or their behalf respectively, the said court may appoint a clerk in court to enter an appearance for such defendant or defendants respectively, and such proceedings may thereupon be had in the cause, as if the party had actually appeared.

**XXIII.** *And be it further enacted by the authority aforesaid,* That all persons who now are, or hereafter shall be jointly indebted to any other person or persons whomsoever, for or upon any joint contract, obligation, matter or thing whatsoever, for which remedy could or might be had at law against such debtors, in case all were or could be taken by process issued out of any court in this state, shall be answerable to their creditors separately for such debts; that is to say, Such creditor or creditors shall and may issue process against such joint debtors in the manner now in use; and in case any or either of such joint debtors shall be taken and brought into court, by virtue of such process, he, she or they so taken and brought into court, shall answer to the plaintiff or plaintiffs; and in case the judgment shall pass for the plaintiff or plaintiffs, he, she or they shall have his, her or their judgment and execution against him, her or them, so brought into court, and against the other joint debtor or debtors named in the process, in the same manner as if they had been all taken and brought into court by virtue of such process: But it shall not be lawful to issue or execute any such execution against the body, or against any lands or goods, the sole property of any person not brought into court.

**XXIV.** And whereas a practice hath lately been introduced of inserting in bonds, bills, covenants and other contracts in writing, a clause, or power, or warrant, to confess a judgment thereon, whereby many persons, being ignorant of the efficacy and consequence of such a clause, power, or warrant, have suffered great loss; For remedy whereof, *Be it further enacted by the authority aforesaid,* That no judgment shall hereafter be entered upon any bond, bill, covenant or other contract in writing, to be made after the first day of January next, upon the confession of any attorney, by virtue or in consequence of any warrant, power or authority whatsoever, contained, written or printed in the same instrument, paper or parchment, with the same bond, bill, covenant or contract. And further, That every attorney

Warrant of attorney, who shall confess any judgment in any case whatsoever, on confession of judgment, to be produced and filed.

warrant for making the same, to the court or judge before whom he makes the same confession, and the same warrant shall then be filed with the proper officer of the court in which the judgment shall be entered. And moreover, No judgment shall hereafter be entered upon any confession taken out of court, before any or either of the judges of the courts of common pleas, or mayors courts, or either of them; and if any judgment shall be so entered, the same shall be void and holden for none. But all such judgments heretofore bona fide entered, and which shall be bona fide entered before the first day of May next, and all executions thereon, shall be, and hereby are confirmed, although the same judgments were or shall be entered upon confession, before one only, or more of the judges out of court.

XXV. *And be it further enabled by the authority aforesaid,* That the supreme court shall and may, by one or more commissioners, and so in the original. † commissioners, under the seal of the said supreme court from time to time, as need shall require, empower such and so many persons and persons, as they shall think fit and necessary, in all and every the several counties within this state, to take and receive all and every such affidavits and affidavits, as any person or persons shall be willing and desirous to make before any or either of the persons so empowered, in or concerning any matter, cause or thing depending, or hereafter to be depending, or any writ concerning any of the proceedings to be had in the said supreme court, or in the court of exchequer; which said affidavits, taken as aforesaid, shall be filed with the proper officer of the court in which they are to be used, and then be read and made use of in the said court, to all intents and purposes, as other affidavits taken before any or either of the justices of the supreme court now are or may be. And that all and every affidavit and affidavits, taken as aforesaid, shall be of the same force as affidavits taken in the said supreme court, or court of exchequer now are; and that every person forswearing himself or herself, in any such affidavit or affidavits, shall incur and be liable unto the same penalties as if such affidavit or affidavits had been made and taken in open court. And further, That for the taking of every such affidavit, the person so empowered, and taking the same, shall take and receive for so doing, one shilling, and no more.

XXVI. *And be it further enabled by the authority aforesaid* That the several judges of the courts of common pleas within the respective cities and counties of this state, shall be, and hereby are fully authorized and empowered, in each of the said cities and counties, where such judges are or shall be commissioned, to take and receive every such recognizance or recognizances of bail, as any person or persons is, are or shall be desirous to make before him, in any action or suit depending or hereafter to be depending in the supreme court, or court of exchequer; and in such manner and form, and by such recognizance or bail-piece, as the respective justices of the supreme court usually take the same; which said recognizance or recognizances, or bail-piece or bail-pieces, so taken as aforesaid, shall be forthwith transmitted, by the defendant in the suit or action, to one of the justices of the supreme court; and the said justice to whom such recognizance or bail-piece shall be so transmitted, shall accept and receive the same: And every such recognizance of bail, or bail-piece, so taken and transmitted as

Recognizances of bail or bail-pieces, before whom and how to be taken in the several counties.

fore said, shall be of the like effect as if the same were taken before any justice or justices of the said supreme court; and the cognizor or cognizors of such bail or bails, shall not be compelled to appear in person before such justice or justices, or in the said supreme court, or court of exchequer: And the said

*Before whom affidavits to justify such writ may be made.*

judges of the courts of common pleas shall examine the sureties to such recognizances of bail, or bail-pieces, as aforesaid, when and so often as they shall be thereunto respectively requested, by any person or persons concerned, interested in, or affected by such bail, recognizance, or surety thereon, concerning the value of such surety's estate, and personal circumstances. Provided always, That

*Time allowed for excepting against the bail.*

all plaintiffs, their council or attorneys, shall have the same time allowed for excepting against the sureties to be given in the manner aforesaid, as is allowed when such recognizance or bail is taken before one of the justices of the supreme court. And

further, That such justice of the supreme court as shall accept and receive any such recognizance or bail-piece, so to him transmitted, shall receive one half such fees as he is or shall be entitled to by law for taking bail, and upon receipt thereof, shall file such recognizance of bail or bail-piece, and in all things proceed thereon as if the said recognizance of bail or bail-piece, had been taken by him; and the judge of the court of common pleas, who shall take such recognizance of bail, or bail-piece, shall be allowed and receive for taking the same, one half of such fee, as is or shall be allowed by law to the justices of the supreme court, for taking bail, when the same is taken before them or any of them, and no more.

XXVII. *And be it further enacted by the authority aforesaid,*

*Time and manner of declaring against a defendant returned in custody.*

That, if now, or at any time hereafter, any defendant or defendants be taken or charged in custody, at the suit of

any person or persons, upon any writ or writs, or process, out of any court of record, and imprisoned or detained in prison for want of sureties, for his, her or their appearance to the same, the plaintiff or plaintiffs in such writ or writs, or process, shall and may, by virtue of this act, before the end of the next term after such writ or process shall be returnable, declare against such prisoner or prisoners, in the respective court or courts, out of which the writ or writs, or process issued, whereupon the prisoner or prisoners shall have been, or may be taken and imprisoned, or charged in custody, and shall or may cause a true copy thereof to be delivered to such prisoner or prisoners, or to the sheriff or other officer, gaoler or keeper of the prison or gaol, in whose custody such prisoner or prisoners shall be and remain; to which declaration or declarations, the said prisoner or prisoners shall appear and plead; and if such prisoner or prisoners shall not appear and plead to the same, the plaintiff or plaintiffs in such cases, shall have judgment in such manner as if the prisoner or prisoners had appeared in the said respective courts, and refused to answer or plead to such declaration. And further, That in all declarations against any prisoner or prisoners, detained in prison by virtue of any writ or process issued, or to be issued out of any court of record, it shall be alledged in custody of what sheriff or officer such prisoner or prisoners shall be at the time of such declaration, by virtue of the process of the said court, at the suit of the plaintiff or plaintiffs. And moreover, That every such sheriff, officer, gaoler or keeper of any prison or gaol, upon whom any such copy of declaration shall be served, shall, within ten days thereafter, deliver the same to the defendant or defendants therein named, with a note of the service thereof, upon

such sheriff or officer as aforesaid; and if any such sheriff, officer, gaoler, or keeper of any prison or gaol, to whom any such copy of any declaration shall be delivered as aforesaid, shall neglect to deliver the same to such defendant or defendants, such sheriff, officer, gaoler or keeper of any prison or gaol, shall be liable and answerable to such defendant or defendants for all damages occasioned by such neglect.

XXVIII. And whereas equal justice ought to be administered as well to the poor as to the rich; and for the relief of the poor who be not of ability to sue according to law for the redress of injuries and wrongs to them done, as well concerning their persons and their inheritance, as other causes; *Be it further enacted by the authority aforesaid,*

Persons having cause of action against others, and being too poor to prosecute, to be assisted at the discretion of the court.

That every such poor person or persons who have, or hereafter shall have cause of action or suit against any person or persons in this state, shall have, by the discretion of the chancellor for the time being, writ or writs original, or writs of subpoena, according to the nature of their causes, without paying any thing for the seals, or for writing of the same writs; and if the suit is to be prosecuted in the court of chancery, the chancellor shall assign to the same poor person or persons, council learned in the law, and solicitors, and all other officers requisite and necessary for the prosecuting and speeding of the same suits, who shall give their council, and do their duty without taking any reward for their council, help and business in the same suit or suits. And if such action or actions, suit or suits, is or are to be commenced or prosecuted in any other court, the judges or justices of such court shall, by their discretion, assign to such poor person or persons, council learned in the law, and attornies, and all other officers requisite and necessary for the prosecuting and speeding of the same actions and suits, who shall give their council, and do their duty without taking any reward for their council, help and business in the same actions and suits. And in case any such plaintiff or plaintiffs shall be nonsuited, or a verdict or judgment be given against him, her or them, in any such action or suits, he, she or they shall not be compelled to pay any costs to the defendant or defendants in any such action or suit.

XXIX. And whereas persons trespassing upon lands, often defend against suits brought for the same, under feigned pretences, until judgment passes for the plaintiff, and then abscond or depart out of the state, to the great injury of the plaintiff, or true proprietors, for want of bail given by the defendant, at the commencement of the suit; For remedy whereof, *Be it further enacted by the authority aforesaid,*

Plaintiff entitled to special bail in actions of trespass of lands.

That the plaintiff or plaintiffs shall, in all such actions of trespass, be entitled to special bail, and that an act etiam, or proper clause for that purpose, may be accordingly inserted in the first process; and that the plaintiff or plaintiffs shall have all the advantages, as well thereupon, as upon the bail-bonds that may be taken on the arrest, as in assumption, and other actions where the defendant is held to bail; and that both parties shall be subject to such discretionary rules and orders of court, respecting such suits in trespass, and on the bail-bonds, as are used in other cases.

XXX. *And be it further enacted by the authority aforesaid,* That in all actions of trespass quare clausum fregit, already brought, or hereafter to be brought, wherein the defendant or defendants shall claim in his, her or their plea, to make any title or claim to the land in which the trespass is, by the declaration proposed to be done, and the trespass be by

In actions of trespass quare clausum fregit defendant may disclaim and plead that the trespass was involuntary, and tender amends.



negligence or involuntary, the defendant or defendants shall be admitted to plead a disclaimer, and that the trespass was by negligence or involuntary, and a tender or offer of sufficient amends for such trespass before the action brought, whereupon, or upon some of them, the plaintiff or plaintiffs shall be enforced to join issue; and if the said issue be found for the defendant or defendants, or the plaintiff or plaintiffs shall be nonsuited, the plaintiff or plaintiffs shall be clearly barred from the said action or actions, and all other suits concerning the same.

**XXXI.** *And be it further enacted by the authority aforesaid,* That no dilatory plea shall hereafter be received in any court of record, unless the party offering such plea, do, by affidavit, prove the truth thereof, or shew some probable matter to the court, to induce them to believe that the fact of such dilatory plea is true.

**XXXII.** *And be it further enacted by the authority aforesaid,* That all grants and conveyances made since the eighth day of March, in the year of our Lord one thousand seven hundred and seventy-three, or hereafter to be made, by fine or otherwise, of any manors, messuages, lands, tenements or rents, or of the reversion or remainder of any messuages, lands or tenements, shall be good and effectual, to all intents and purposes, without any attornment of the tenants of any such manors, messuages, lands or tenements, or of the lands out of which such rents shall be issuing, or of the particular tenants upon whose particular estates any such reversions or remainders were, shall or may be expectant or depending, as if their attornment had been had and made. Provided nevertheless, That no such tenant shall be prejudiced or damaged by payment of any rent to any such grantor or cognizor, or by breach of any condition for non-payment of rent, before notice given to him of such grant, by the conusee or grantee.

**XXXIII.** *And be it further enacted by the authority aforesaid,* That all warranties which have been made since the said eighth day of March, in the year of our Lord one thousand seven hundred and seventy-three, or which shall hereafter be made, by any tenant for life, of any lands, tenements or hereditaments, the same depending or coming to any person in reversion or remainder, shall be void and of none effect; and likewise, all colateral warranties which have been made since the said eighth day of March, in the year of our Lord one thousand seven hundred and seventy-three, or which shall hereafter be made, of any lands, tenements or hereditaments, by any ancestor who had or has no estate of inheritance in possession in the same, at the time of making such warranty, shall be void against his heirs.

The dying seized of disseisor not to toll or take away the entry of any person having lawful title of entry, unless such disseisor had peaceable possession for five years.

**XXXIV.** *And be it further enacted by the authority aforesaid,* That the dying seized of any disseisor or of in any manors, lands, tenements or other hereditaments having no right or title therein, shall not be taken or deemed any such descent in the law, as to toll or take away the entry of any such person or persons, or their heirs, who at the time of the same descent, had, or shall have, good and lawful title of entry into the said manors, lands, tenements or hereditaments, except that such disseisor hath had the peaceable possession of such manors, lands, tenements or hereditaments, whereof he hath died or shall die seized, by the space of five years next after the disseisin by him committed, without entry or continual claim, by or of such person or persons as had or shall have lawful title thereunto.

XXXV. *And be it further enacted by the authority aforesaid, That every person who shall hereafter be appointed foreman of a grand jury, shall be from the time of his being appointed until his discharge, empowered and authorized to administer the usual oath to such witnesses as shall come to give evidence to the grand jury whereof he is foreman.*

XXXVI. *And be it further enacted by the authority aforesaid, That the law concerning attainments upon untrue verdicts shall be, and hereby is abolished.*

XXXVII. *And be it further enacted by the authority aforesaid, That from and after the first day of May next, none of the statutes of England, or Great-Britain, shall operate or be considered as laws of this state.*

## C H A P. XLVIII.

*An ACT to lay a Duty of Excise on strong Liquors, and for the better regulating of Inns and Taverns.*

Passed 1st March, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, from time to time, to constitute and appoint such person in the city of New-York, as they shall think proper, to be the commissioner for collecting the duty of excise of and from the several retailers of strong or spirituous liquors in the city and county of New-York.

II. *And be it further enacted by the authority aforesaid, That the following persons shall be the commissioners for collecting the duty of excise, of and from the several retailers of strong and spirituous liquors within the several other cities and counties in this state; That is to say, In and for the city of Albany, the mayor of the said city for the time being; and in and for the city of Hudson, the mayor, recorder, aldermen and commonalty of the said city; and in and for the several towns and places in the respective counties in this state, the supervisor of, and any two justices of the peace resident within, the same respective towns or places; or in case there shall not be two justices, or in case of the absence of the justices residing in any such town or place, then such neighbouring justice or justices, as the supervisor of such town or place shall notify, and associate with him for that purpose. Provided, That no permit shall be granted, except in either of the said cities of Albany or Hudson, unless three commissioners shall be present at the granting thereof.*

III. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of excise, appointed or to be appointed by virtue of this act, annually, by writing under their respective hands and seals, to grant to the several persons who shall reside in the respective cities, towns or places for which they are or shall be appointed a commissioner or commissioners as aforesaid, who shall apply for the same, permits to retail strong or spirituous liquors under five gallons; which said respective permits shall continue in force from the time of granting the same, until the first day of March next ensuing the date of such permit, and no longer.*

IV. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioner of excise to be appointed in the city and county of New-York, by virtue of this act, to determine and ascertain the*

in which each respective person applying for a permit as aforesaid, shall pay for the same, not being less than forty shillings, nor more than twenty pounds, and a duty of excise, which sum shall be paid to him by the person applying, before the permit shall be issued as aforesaid.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of excise appointed in the several other cities, towns and places in this state, by virtue of this act, to determine and ascertain the sum which each respective person, in their respective cities, towns and places, applying for a permit as aforesaid, shall pay for the same, not being less than forty shillings, nor more than twelve pounds, as a duty of excise; which, together with the sum of six shillings, as a fee to the respective commissioners for granting such permit, shall be paid to him or them by the person applying for a permit as aforesaid, before the permit shall be issued as aforesaid. And further, The said commissioners are hereby respectively required to keep an account of the persons to whom permits shall be granted, and of the sums by each of the said persons paid for a permit, and to file the same with the clerk of such city, town or place, on or before the first day of March, in every year; and shall, from time to time, without delay, pay the monies so to be by them received for the duty of excise, to the overseers of the poor of the respective cities, towns and places, for which they are commissioners as aforesaid, to be applied to the relief of the poor thereof.

VI. *And be it further enacted by the authority aforesaid,* That instead of the fees herein before allowed, the commissioner of excise for the city and county of New-York, for the time being, shall be entitled, for his service, to a salary at and after the rate of sixty pounds per annum; which it shall be lawful for him to retain out of the monies which shall come into his hands from the duty of excise aforesaid; and the residue thereof, he shall from time to time, and without delay, pay to the treasurer or chamberlain of the said city, for the time being, to be applied and disposed of (except as to eight hundred pounds, for the time herein after mentioned) for and towards the payment of the contingent charges of the said city, in such manner as the mayor, aldermen and commonalty of the said city in common council convened, by warrant under the hand of the mayor or recorder of the said city, presiding in such common council, shall from time to time direct and appoint. And further, that the said commissioner shall keep an account of the persons to whom permits shall be granted in the said city and county, and of the sums by each of the said persons paid for a permit, and file the same with the treasurer or chamberlain of the said city for the time being, on or before the last day of February in every year.

VII. *And be it further enacted by the authority aforesaid,* That the treasurer or chamberlain of the said city of New-York, shall, out of the monies to arise from the excise to be raised in the said city and county of New-York, on or before the first Tuesday in February in every year, for and during the term of four years, from and after the first day of February, in the year one thousand seven hundred and eighty-eight, pay to the treasurer for the time being, of the society of the hospital in the city of New-York, in America, at and after the rate of eight hundred pounds, and no more, for the better support of the hospital erected in the said city, for poor and indigent persons.

VIII. *And be it further enacted by the authority aforesaid,* That the commissioners appointed or to be appointed by virtue of this act, to grant permits to retail strong or spirituous liquors, shall not grant permits to any per-

son or persons to retail strong or spirituous liquors for the purpose of keeping an inn or tavern, unless it shall appear to the said commissioners that an inn or tavern, at the place at which such permit is applied for, is necessary for the accommodation of travellers, and that the person applying for such permit is of good character. And that in every such permit to be granted for the purpose of keeping an inn or tavern, shall be expressed, that it appears necessary to the commissioners, that a public inn or tavern be kept at such place, and that the person to whom such permit is granted, is of good moral character as aforesaid.

**IX.** *And be it further enacted by the authority aforesaid,* That no person shall sell by retail any strong or spirituous liquors, to be drank in his or her house, out-house, yard or garden, unless such person shall appear before a justice of the peace of the county in which he or she shall reside, and enter into recognizance to the people of the state of New-York, in the sum of fifty pounds; conditioned, That he or she will not, during the time that he or she shall keep an inn or tavern, keep a disorderly inn or tavern, or suffer or permit any cock-fighting, gaming or playing with cards or dice, or keep any billiard-table, or other gaming-table, or shuffle-board, within the inn or tavern by him or her to be kept, or within any out-house, yard or garden belonging thereunto; which recognizances so to be taken, shall be lodged by the person or persons before whom the same shall be taken, with the clerks of the respective cities or counties where the same shall be taken; and if any person shall be convicted of an offence against this act, it shall be lawful for the courts of general sessions of the peace in the respective cities and counties in this state, to suppress the permit and licence of such respective offenders. But that no person who shall be permitted or licensed to retail strong liquors, not to be drank in his or her house, but carried elsewhere, shall be obliged to enter into recognizance as aforesaid; any thing in this act to the contrary notwithstanding.

**X.** *And be it further enacted by the authority aforesaid,* That if any person shall sell by retail, any strong or spirituous liquors, without having such permit as aforesaid, or if any person shall sell any strong or spirituous liquors, to be drank in his or her house, out-house, yard or garden, without having entered into such recognizance as aforesaid, every person who shall be guilty of either of the offences aforesaid, shall, for each offence, forfeit the sum of ten pounds. Provided always, That no person or persons shall be subject to be sued or prosecuted by virtue of this act, for selling methueglin, currant wine, cherry wine, or cyder, to be by him, her or them made, and which shall not be drank in his, her or their house, out-house, yard or garden.

**XI.** *Provided also, and be it further enacted by the authority aforesaid,* That all licences to retail strong or spirituous liquors within the cities of New-York, Albany or Hudson, shall be granted in the manner directed and prescribed in and by the charters granted to the said cities respectively; and the recognizances to be entered into by retailers, shall be taken before the mayor for the time being, of each respective city, or, in case of his sickness or absence, before the recorder thereof.

**XII.** And the more effectually to prevent every species of gaming, or incitement thereunto, in public inns or taverns; *Be it further enacted by the authority aforesaid,* That it shall be deemed an offence against the people of this state, for any person who shall

No kind of gaming  
to be permitted in any

inn or tavern, and the courts to take cognizance of offences against this act.

keep a public inn or tavern, to permit or suffer any cock-fighting, playing with cards or dice, or to keep any billiard-table, or other gaming table, or shuffle-board, within his or her house, or within any out-house, yard or garden belonging thereto, or therein to permit any kind of gaming, by lot or chance. And that as well the courts of oyer and terminer and gaol delivery, as the courts of general sessions of the peace in the several counties within this state, shall have cognizance of offences against this act, and shall and may punish offenders convicted thereof, by fine and imprisonment, or either, at the discretion of the court in which any such conviction shall be had.

XIII. *And be it further enacted by the authority aforesaid,* That every keeper of any public inn or tavern in this state, except in the city of New-York, shall keep in his house, at least two spare beds for guests, with good and sufficient sheeting and covering for such beds respectively, and provide and keep good and sufficient stabling and provender, of hay in the winter, and hay or pasture in the summer, and grain, for four horses or other cattle, more than his or her own flock, for the accommodation of travellers, upon pain of forfeiting, for every neglect or default of having either of the articles in this clause before mentioned, the sum of forty shillings.

XIV. *And whereas in some parts of this state, so little resort is had to some inns or taverns, as would make the last mentioned regulations burthensome, and which inns or taverns are nevertheless of public utility; Therefore, Be it further enacted by the authority aforesaid,* That it shall be in the discretion of the commissioners, or the major part of them, in any of the towns of this state, by writing for that purpose, under their hands and seals, to exempt one or more innholder or tavern-keeper in the said towns respectively, from keeping such spare beds and stabling, provender and forage, as is herein before directed.

XV. *And be it further enacted by the authority aforesaid,* That if any innholder or tavern-keeper, shall sell any strong or spirituous liquors to any apprentice, servant or slave, knowing or having reason to suspect or believe him or her to be such, without the consent of his or her master or mistress, such innholder or tavern-keeper, shall forfeit and lose every debt which such apprentice, servant or slave shall or may contract for any such liquor; and also for every offence, forfeit the sum of forty shillings, to be recovered with costs of suit, by the master or mistress of such apprentice, servant or slave. And further, That the permit and licence of every such innholder or tavern-keeper, shall be, and hereby is declared void from the time of such conviction; and such innholder or tavern-keeper shall be and is hereby declared to be incapable of receiving any further or other permit or licence for holding any public inn or tavern, for the space of three years from the time of such conviction.

XVI. *And be it further enacted by the authority aforesaid,* That if any innholder or tavern-keeper, or any other person or persons, shall take or receive, directly or indirectly, from any such apprentice, servant or slave, any cloathing, or any other goods, chattels, wares or merchandize, in payment for any such strong or spirituous liquors, or in pawn or pledge, to secure any such payment, and thereof be convicted, by the oath of any one credible witness, he, she or they so offending, besides the payment of the penalty and for-

Certain innholders may be exempted from having such accommodations.

Innholder selling liquors to servants to lose their debt, and forfeit forty shillings, &c.

Innholders receiving any kind of goods from servants for liquors, besides the penalties aforesaid, to restore the goods or forfeit double their value to the master or mistress, to be recovered with costs of suit.

XXXV. *And be it further enacted by the authority aforesaid,* That every person who shall hereafter be appointed foreman of a grand jury, shall be from the time of his being appointed until his discharge, empowered and authorized to administer the usual oath to such witnesses as shall come to give evidence to the grand jury whereof he is foreman.

XXXVI. *And be it further enacted by the authority aforesaid,* That the law concerning attainds upon untrue verdicts shall be, and hereby is abolished.

XXXVII. *And be it further enacted by the authority aforesaid,* That from and after the first day of May next, none of the statutes of England, or of Great-Britain, shall operate or be considered as laws of this state.

## C H A P. XLVIII.

*An ACT to lay a Duty of Excise on strong Liquors, and for the better regulating of Inns and Taverns.*

Passed 1st March, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, from time to time, to constitute and appoint such person in the city of New-York, as they shall think proper, to be the commissioner for collecting the duty of excise of and from the several retailers of strong or spirituous liquors in the city and county of New-York.

II. *And be it further enacted by the authority aforesaid,* That the following persons shall be the commissioners for collecting the duty of excise, of and from the several retailers of strong and spirituous liquors within the several other cities and counties in this state; That is to say, In and for the city of Albany, the mayor of the said city for the time being; and in and for the city of Hudson, the mayor, recorder, aldermen and commonalty of the said city; and in and for the several towns and places in the respective counties in this state, the supervisor of, and any two justices of the peace resident within, the same respective towns or places; or in case there shall not be two justices, or in case of the absence of the justices residing in any such town or place, then such neighbouring justice or justices, as the supervisor of such town or place shall notify, and associate with him for that purpose. Provided, That no permit shall be granted, except in either of the said cities of Albany or Hudson, unless three commissioners shall be present at the granting thereof.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of excise, appointed or to be appointed by virtue of this act, annually, by writing under their respective hands and seals, to grant to the several persons who shall reside in the respective cities, towns or places for which they are or shall be appointed a commissioner or commissioners as aforesaid, who shall apply for the same, permits to retail strong or spirituous liquors under five gallons; which said respective permits shall continue in force from the time of granting the same, until the first day of March next ensuing the date of such permit, and no longer.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioner of excise to be appointed in the city and county of New-York, by virtue of this act, to determine and ascertain the

in which each respective person applying for a permit as aforesaid, shall pay for the same, not being less than forty shillings, nor more than twenty pounds, as a duty of excise, which sum shall be paid to him by the person applying, before the permit shall be issued as aforesaid.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of excise appointed in the several other cities, towns and places in this state, by virtue of this act, to determine and ascertain the sum which each respective person, in their respective cities, towns and places, applying for a permit as aforesaid, shall pay for the same, not being less than forty shillings, nor more than twelve pounds, as a duty of excise; which, together with the sum of six shillings, as a fee to the respective commissioners for granting such permit, shall be paid to him or them by the person applying for a permit as aforesaid, before the permit shall be issued as aforesaid. And further, The said commissioners are hereby respectively required to keep an account of the persons to whom permits shall be granted, and of the sums by each of the said persons paid for a permit, and to file the same with the clerk of such city, town or place, on or before the first day of March, in every year; and shall, from time to time, without delay, pay the monies so to be by them received for the duty of excise, to the overseers of the poor of the respective cities, towns and places, for which they are commissioners as aforesaid, to be applied to the relief of the poor thereof.

VI. *And be it further enacted by the authority aforesaid,* That instead of the fees herein before allowed, the commissioner of excise for the city and county of New-York, for the time being, shall be entitled, for his service, to a salary at and after the rate of sixty pounds per annum; which it shall be lawful for him to retain out of the monies which shall come into his hands from the duty of excise aforesaid; and the residue thereof, he shall from time to time, and without delay, pay to the treasurer or chamberlain of the said city, for the time being, to be applied and disposed of (except as to eight hundred pounds, for the time herein after mentioned) for and towards the payment of the contingent charges of the said city, in such manner as the mayor, aldermen and commonality of the said city in common council convened, by warrant under the hand of the mayor or recorder of the said city, presiding in such common council, shall from time to time direct and appoint. And further, that the said commissioner shall keep an account of the persons to whom permits shall be granted in the said city and county, and of the sums by each of the said persons paid for a permit, and file the same with the treasurer or chamberlain of the said city for the time being, on or before the last day of February in every year.

VII. *And be it further enacted by the authority aforesaid,* That the treasurer or chamberlain of the said city of New-York, shall, out of the monies to arise from the excise to be raised in the said city and county of New-York, on or before the first Tuesday in February in every year, for and during the term of four years, from and after the first day of February, in the year one thousand seven hundred and eighty-eight, pay to the treasurer for the time being, of the society of the hospital in the city of New-York, in America, at and after the rate of eight hundred pounds, and no more, for the better support of the hospital erected in the said city, for poor and indigent persons.

VIII. *And be it further enacted by the authority aforesaid,* That the commissioners appointed or to be appointed by virtue of this act, to grant permits to retail strong or spirituous liquors, shall not grant permits to any per-

lumber for the city and county of New-York (which said inspector is hereby authorised and required to appoint such number of deputies under him as shall be necessary, for whom he shall be accountable; which deputies are hereby fully empowered to act as deputy officers for carrying this act into execution; one inspector for the city of Albany; one inspector for the city of Hudson; one inspector for the landing at Kinderhook; and as many more in other parts of the state as may from time to time be necessary.

V. *And be it further enacted by the authority aforesaid,* That the said inspectors and their deputies, before they enter upon the execution of their offices, shall take the following oath before some person authorized to administer the same, viz.

**I** do solemnly swear, That I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office and duty of an inspector of lumber, according to the true intent and meaning of the laws of this state relative to the same.

VI. *And be it further enacted by the authority aforesaid,* That the said inspectors shall be entitled to receive for inspecting all boards, plank and scantling, at the rate of three shillings per thousand feet, superficial measure; and for square timber at the rate of fourteen pence per ton, consisting of forty cubical feet; and for shingles in bundles, at the rate of eighteen pence per thousand; the one half to be paid by the buyer, and the other half by the seller.

VII. *And be it further enacted by the authority aforesaid,* That if any person shall ship on board any ship or vessel for exportation out of this state, any boards, plank, scantling, timber or shingles, but what has been inspected by one of the inspectors appointed by virtue of this act, he shall forfeit and pay, for every thousand feet so shipped without inspection, the sum of twenty shillings; and for every thousand shingles, the sum of ten shillings; and the master of any ship or vessel who shall receive on board his vessel any boards, plank, timber or shingles, but what has been inspected by one of the inspectors, shall forfeit and pay for every thousand feet so taken on board, the sum of ten shillings; and for every thousand shingles, the sum of five shillings; all which forfeitures mentioned in this act, may be recovered with costs, in any court having cognizance thereof, by any person who will sue for the same, by action of debt, bill, plaint or information; the one half thereof to be for the use of the person so suing, and the other half for the use of the people of this state.

VIII. *And be it further enacted by the authority aforesaid,* That this act shall be in force from and after the first day of October next.

#### C H A P. LV.

Amended,  
13th sess. ch. 33.

*An ACT to regulate the Repacking of Beef and Pork for Exportation.*

Passed 7th March, 1788.

**W**HEREAS it is necessary that great care be taken in the repacking of beef and pork, two of the staple articles of this state: And whereas it is represented, that if proper places were appointed for the inspection of the same, and the number of inspectors fixed by law, it would prevent abuses: Therefore,



I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, to appoint two or more repackers of beef and pork, for the city and county of New-York; one or more for the city of Albany; one or more for the city of Hudson; and as many in any other part of this state, as shall, from time to time, be necessary.

II. *And be it further enacted by the authority aforesaid,* That the inspectors to be appointed by virtue of this act, shall provide themselves with good and sufficient stores, capable of receiving and storing such beef and pork as may be brought to them for inspection; and the inspectors for the city and county of New-York, shall provide themselves with as many stores as may be necessary: Provided, Such stores be on some of the docks or wharfs of the said city, and that one of such stores shall be at or near the Albany-pier, and another at or near Burling's-slip; and no such inspector shall be allowed any thing for storage of the same beef and pork, if the owner shall remove the same within three days after the same shall be repacked.

III. *And be it further enacted by the authority aforesaid,* That all barrels in which any beef or pork shall be repacked, shall be made of good white-oak staves and heading, with twelve hoops on each barrel, and shall contain not less than thirty-one gallons, nor more than thirty-two gallons, and be as nearly straight as possible, and sufficient to hold pickle; and that all half barrels shall be made of the like materials, and contain one half as many gallons as the whole barrels.

IV. And in order to encourage the raising of large hogs, and making of fatbeef, *Be it further enacted by the authority aforesaid,* That from and after the first day of October next, the inspectors to be appointed, shall examine and sort all beef and pork to be by them repacked, and such as is well fattened, shall be repacked and branded on the head, first quality; and such as is inferior, second quality; and that each barrel of beef shall contain two hundred

Contents of a barrel of beef. and twenty pounds of beef; the first quality of which shall not have more than two hocks or shins, one half of a neck, and shall have at least one round in each barrel, and be otherwise well fattened.

The second quality shall not have more than three hocks or shins, and one half neck in each barrel; and be otherwise merchantable beef. And that

Contents of a barrel of pork. each barrel of pork shall contain two hundred and ten pounds of pork well fattened; the first quality of which shall not have in each barrel more than three shoulders without the legs, which shall be cut up to the knees, and not to exceed two heads; which heads shall have the ears and snouts cut off, and shall not exceed in weight thirty pounds: The second quality shall not have in each barrel more than five shoulders without the legs, and not more than two heads, which shall not exceed thirty pounds in weight, and shall be otherwise merchantable pork; and that all half barrels both of beef and pork, shall contain one half the quantity of whole barrels, and be in every respect as to quality, the same as whole barrels; and in every barrel of beef or pork, there shall be at least one half bushel of good Lisbon or hard salt; and in every half barrel, one peck.

V. *And be it further enacted by the authority aforesaid,* That no beef or pork shall be repacked, until the same has been laid in salt a sufficient time before such repacking; and

No beef or pork to be repacked that has not been well salted,

and when repacked, all casks of beef and pork so repacked, shall be branded with the initial letter of the packer's christian name, with his full name at full length, and the name of the place where repacked, and with the word, beef or pork, and the words, first or second quality, as the case may be; and every repacker of beef and pork shall carefully secure his marking irons, so as to put it out of the power of his servants or others to obtain and make use of the same, contrary to the true intent and meaning of this act.

VI. *And be it further enacted by the authority aforesaid,* That every of the repackers to be appointed by virtue of this act, shall, before he enters upon the execution of his office, take the following oath, before any justice of the peace, viz.

**I** do solemnly swear, That I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office and duty of an inspector and examiner of beef and pork, according to the true intent and meaning of the laws of this state relative to the same; and that I will not, directly or indirectly, brand, or suffer to be branded, any casks of beef or pork, but what shall be found and good.

VII. *And be it further enacted by the authority aforesaid,* That all beef and pork repacked between the first day of April, and the first day of October, in every year, shall, at the time of repacking the same, be pickled with a good strong pickle, made of fresh water, and of salt not finer than Lisbon salt, and that each barrel, to prevent the pickle from leaking, shall be well trimmed, and nailed with at least three nails on each head, and with at least three pegs on each quarter.

VIII. *Provided always, and be it further enacted by the authority aforesaid,* That it shall and may be lawful for any owner of any beef or pork, to have the same repacked in any store, yard or vessel, by either of the repackers so to be appointed as aforesaid: But no beef or pork shall be repacked in any street or on any wharf; and that the repackers shall have and receive from the owner of such beef and pork, for repacking the same in the store by them provided for that purpose, at the rate of one shilling for each barrel, and eight-pence for each half barrel; and if repacked in any other store, yard or vessel, one shilling and three-pence for each barrel, and nine-pence for each half barrel; and whether repacked in the store provided by the repacker, or in the yard, or store, or vessel, for each hoop wanting, and put on by such repacker, two-pence; and for flagging, nailing, pegging and pickling each barrel, nine-pence, and each half barrel, six-pence; the owner finding or paying for the salt.

IX. *And be it further enacted by the authority aforesaid,* That if any repacker of beef or pork, shall neglect or delay to repack any beef or pork, when thereunto required by the owner or owners thereof, for the space of forty-eight hours, every such repacker shall for each neglect, pay to such owner or owners, the sum of forty shillings.

X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, at any time hereafter, intermix, take out or shift any beef or pork that has been repacked and branded as aforesaid, every person so taking out, intermixing, and fraudulently shifting such beef or pork, and being thereof convicted, shall forfeit and pay double the value of the beef or pork so taken out, intermixed or shifted.

**XI.** *And be it further enacted by the authority aforesaid,* That for every offence which the said repackers shall make or commit against the true intent and meaning of this act, and be thereof convicted, he or they so offending, shall forfeit fifty pounds, and be rendered incapable of serving again in the office.

**XII.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall export, or ship for exportation out of this state, any beef or pork not being inspected, pickled and branded by one of the sworn inspectors as aforesaid, every such exporter, and the master of every vessel having on board such uninspected beef or pork, shall, upon conviction, respectively forfeit and pay the sums following, for every barrel of beef or pork so exported, or shipped for exportation, as aforesaid; that is to say, The owner thereof shall forfeit and pay the sum of forty shillings; and the master of every vessel having the same on board, the sum of ten shillings.

Inspectors, by warrant of a justice, may enter on board any vessel, and search for beef or pork shipped for exportation without inspection.

And further, That the said inspectors, and every of them shall have full power and authority by virtue of this act, on suspicion that any beef or pork not inspected as aforesaid, shall be shipped in any vessel for exportation, to apply to any justice of the peace, and on oath to assign to such justice the causes of such suspicion; and if the said justice shall think the said suspicion well grounded, he shall issue his warrant to the said inspector or inspectors, to enter on board any vessel whatever, loading or laden in this state, either in the whole or in part, and to search for and make discovery of any beef or pork shipping or shipped on board any such vessel for exportation out of this state; and if any of the said inspectors shall discover

And if any is discovered, it shall be re-landed.

any beef or pork not repacked, branded and pickled, as directed in and by this act, on board of any such vessel, such inspector shall apply to such justice of the peace, who is hereby authorized and required to issue his warrant, directed to some peace officer or officers, commanding him or them to enter on board every such vessel having on board such uninspected beef or pork, and cause the same to be re-landed and delivered to the owner or owners thereof, upon his or their paying the expence of such search and re-landing. And if any person or persons shall obstruct or hinder any inspector from making such search as aforesaid, or any peace officer, in re-landing such beef or pork, every person so offending, shall forfeit and pay the sum of one hundred pounds.

**XIII.** *And be it further enacted by the authority aforesaid,* That no inspector of beef and pork, to be appointed by virtue of this act, shall inspect or brand any casks of beef or pork, out of the city or county for which he shall be appointed an inspector, upon pain of forfeiting the sum of twenty pounds. And if any person other than the said inspectors, shall brand any casks of beef or pork in the manner directed by this act, every person so offending, shall forfeit the sum of five pounds, for every cask so branded.

**XIV.** *And be it further enacted by the authority aforesaid,* That upon the head of every barrel or cask of beef or pork, which shall be shipped from any port in this state, to any port either within or without the same, the shipper thereof shall, before, or at the time such beef or pork is repacked, cause the initial letter of his christian name, and his surname, at full length, to be branded.

XV. *And be it further enacted by the authority aforesaid, That every of* forfeitures and penalties aforesaid, shall and may be recovered, with costs & suit, in any court having cognizance thereof, by any person or persons who will sue and prosecute for the same to effect; one moiety of which said forfeitures and penalties, when recovered, shall be paid to the overseers of the poor of the town or place where the offence shall be committed, for the use of the poor thereof; and the other moiety thereof to such person or persons as will sue for the same as aforesaid.

XVI. *And be it further enacted by the authority aforesaid, That all acts* of the late colony of New-York, respecting the repacking of beef and pork be, and they are, from and after the said first day of October next, hereby repealed.

## C H A P. LVI.

*An ACT to regulate the Culling of Staves and Heading.*

Passed 7th March, 1788.

**W**HEREAS slaves and heading have become articles of considerable exportation from this state, and it is necessary that great care be taken to preserve their reputation at foreign markets; Therefore,

1. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That from* and after the first day of July next, no slaves or heading shall be exported out of this state, to any foreign market, but such as shall be culled by the cullers hereafter to be appointed for that purpose. That all butt slaves shall be made of good white-oak timber, and shall be of the following dimensions:

Size and quality of different kinds of slaves and heading. The long butts shall be five feet six inches long, the short butts four feet six inches long, and both at least five inches broad when dressed, clear of sap; two inches thick on the thinnest edge, and not more than two and an half inches thick in any place; and shall be regularly split with the grain of the wood, and free from twist; and to be otherwise good and sufficient. That all pipe slaves shall be made of good white-oak timber, and shall be four feet six inches long; and shall work three and an half inches broad when dressed, clear of sap; and shall be three quarters of an inch thick on the thin edge, regularly split with the grain of the wood, and shall not have more than six worm holes; and be otherwise good and sufficient. That all white-oak hoghead slaves shall be made of good timber, and shall be three feet six inches long; and shall work three and an half inches broad when dressed, clear of sap, and shall be three quarters of an inch thick on the thin edge, regularly split with the grain of the wood, and shall not have more than four worm holes; and be otherwise good and sufficient. That all barrel slaves shall be two feet eight inches long, and shall work three and an half inches broad, when dressed, clear of sap, and shall be three quarters of an inch thick on the thin edge, regularly split with the grain of the wood, and not more than four worm holes; and otherwise good and sufficient. That all heading shall be made of good white-oak timber, and shall be two feet eight inches long, and shall not be less than six inches broad, clear of sap; three fifths of which shall be fit for middle pieces, and shall not be less than three fourths of an inch thick on the thin edge; and be otherwise good and sufficient. That all red-oak hoghead slaves shall be three feet six inches long, four inches broad, including sap, and shall be three quarters of an inch thick on the thin edge.

II. *And be it further enacted by the authority aforesaid,* That the governor, or person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, shall and may appoint eight or more cullers for the city and county of New-York; four or more cullers for the city and county of Albany; two or more cullers for the city of Hudson; and as many in the other counties in this state, as shall appear from time to time to be necessary.

III. *And be it further enacted by the authority aforesaid,* That each of the cullers to be appointed by virtue of this act, shall take the following oath, before some person or persons authorized to administer the same, viz.

I do solemnly swear, That I will, well, faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office of a culler and examiner of slaves and heading, according to the true intent and meaning of the laws of this state relative thereto.

IV. *And be it further enacted by the authority aforesaid,* That the respective cullers shall be entitled to receive for culling every thousand pipe slaves, the sum of four shillings; for every thousand hoghead slaves and heading, the sum of three shillings; for every thousand barrel slaves, the sum of two shillings; and for every thousand long butt slaves, the sum of ten shillings; and for every thousand short butt slaves, the sum of eight shillings, and no more; computing twelve hundred slaves or heading to a thousand; one half to be paid by the buyer, the other half by the seller: And for all such slaves or heading as are culled out and not merchantable, the culler shall be entitled to receive of the proprietor thereof, the one half the price of the culling merchantable slaves or heading.

V. *And be it further enacted by the authority aforesaid,* That where any disputes shall arise between the buyer and seller of slaves and heading, respecting the culling of the slaves by the culler who was employed for the purpose, such dispute shall be submitted to two other cullers of slaves or heading; one to be chosen by the buyer, and the other by the seller; and their determination shall be conclusive.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall ship on board any vessel for exportation out of this state, any slaves or heading, to any foreign market, but such as have been viewed and examined by some one of the cullers appointed by virtue of this act, in the city, county or town where such slaves or heading were exported from, the master of such vessel shall forfeit and pay the sum of twenty shillings, for every thousand so taken on board; and the owner or proprietor thereof, the sum of forty shillings for every thousand so shipped on board for exportation: To be recovered, with costs of suit, by any person who will prosecute for the same, in any court having cognizance thereof.

VII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall ship on board any ship or vessel for exportation to any foreign market, any slaves or heading that have been condemned; or shall mix the same with any slaves or heading that have been culled; every such person, upon due proof thereof, shall forfeit and pay the sum of forty shillings, for every thousand condemned slaves or heading so shipped on board or mixed: To be recovered in manner aforesaid,

Cullers, by warrant of a justice, may enter on board any vessel, and search for slaves or heading which they suspect are intended to be exported contrary to this act.

VIII. *And be it further enacted by the authority aforesaid,* That the said cullers, and every of them, shall have full power and authority by virtue of this act, and on suspicion that any slaves or heading which have not been culled, or which have been condemned as aforesaid, shall be shipped in any ship or other vessel, for exportation, to apply to any justice of the peace; and on oath to assign to such justice, the causes of such suspicion: And if the said justice shall think the said suspicion well grounded, he shall issue his warrant to the said culler or cullers, to enter on board any ship or vessel whatsoever, within any harbour, port or river, within the county of which he is a culler, to search for and make discovery of any slaves or heading shipped or shipping on board any such vessel, for exportation, immediately from thence to any foreign market: And if the said culler, on such search, discover any slaves or heading shipped on board any such vessel, that have not been culled by one of the cullers appointed by virtue of this act; or shall find on board, any slaves that have been culled out or condemned, such culler shall apply to one of the nearest justices of the peace; who is hereby required to issue his warrant directed to some peace officer or officers; commanding him or them to enter on board such vessel having on board such condemned or uninspected slaves or heading, and cause the same to be relanded and delivered to the owner or owners thereof, upon his or their paying the expence of such search and relanding.

IX. *And be it further enacted by the authority aforesaid,* That one moiety of the forfeitures to be recovered by virtue of this act, shall be paid to the overseers of the poor in the town or place where the offence was committed, for the use of the poor thereof; and the other moiety thereof to such person or persons as will sue for the same as aforesaid.

#### C H A P. LVIII.

§ 8th sess. ch. 35. *An ACT supplementary to the Act, entitled, ‡ An Act to prevent the Exportation of unmerchantable Flour, and the false Tareing of Bread and Flour Casks.*

Passed 7th March, 1788.

**L** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That the act, entitled, An act to prevent the exportation of unmerchantable flour, and the false tareing of bread and flour casks, passed the sixteenth of March, one thousand seven hundred and eighty-five, and every section and article therein mentioned, except the fifteenth and twenty-first sections thereof, shall extend, and it is declared and enacted to extend to rye and buckwheat flour, in as full and ample a manner as if the said several articles had been expressly named or mentioned in the said act; any thing in the said act to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That every cask containing rye or buckwheat flour, shall (besides the marks and brands directed by the said act, to be put by manufacturers on casks containing wheat flour) be branded on one of the heads with the words, rye flour, or buck w. flour, as the case may require.

Cask containing rye and buckwheat flour, how to be marked.

No Indian meal to be exported without inspection, and how to be marked.

III. *And be it further enacted by the authority aforesaid,* That no meal made of Indian-corn shall be exported from this state, unless it be inspected by one of the inspectors appointed pursuant to the act herein before mentioned, and unless it shall appear to the satisfaction of the said inspectors, that the corn of which the said meal was made, had been sufficiently dry, or had been kiln-dried, and such as has been kiln-dried, shall be branded on the cask with the letters, kiln d. meal, and with the initial letter of the miller or owner's christian name, and his surname at full length; and the cask containing the same, shall be of the following dimensions; to wit, Twenty-seven inches in length, and the diameter of each head sixteen inches and one half, and the casks made nearly straight, for the convenience of stowing in vessels; and each of the said casks shall contain one hundred and sixty-eight pounds of meal, which weight shall be branded on each of the casks, and the tare marked thereon with a marking-iron. Provided nevertheless, That nothing in this act shall prevent the packing of Indian-meal, for exportation, in hogsheds; but all such meal shall be inspected and branded as if packed in barrels; and the inspectors shall be entitled to receive, for inspecting each hogshedd, the sum of three-pence, and for each barrel, the sum of one-penny half-penny; and the weight of meal in each such hogshedd shall be marked thereon.

Penalty for mixing inspected with uninspected flour or meal, &c.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall mix any uninspected buckwheat flour, rye flour, or meal made of Indian-corn, with such as has been inspected, and shall offer the same for sale as inspected flour, he, she or they so offending, shall forfeit for each barrel so mixed and offered for sale, the sum of twenty shillings; and for each hogshedd so mixed and offered for sale, the sum of three pounds. And if any person or persons shall export any Indian-meal that has not been inspected and branded as herein before directed, he, she or they shall forfeit for every barrel so exported, the sum of ten shillings, and for ever hogshedd so exported, the sum of thirty shillings. And the said inspectors, appointed or to be appointed pursuant to the said herein before mentioned act, are hereby directed not to inspect any wheat flour, but what shall be packed in new casks, not before used for any purpose.

Word, bad, to be branded on casks of condemned flour or meal.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the inspector or inspectors of flour and meal, in this state, and they are hereby directed to brand or mark the word, bad, on the head of each cask of condemned flour or meal.

Casks containing flour, called middlings, how to be marked.

VI. *And be it further enacted by the authority aforesaid,* That on the head of each cask or barrel, in which flour, commonly called middlings, or cornel, shall be packed for sale or exportation, the initial letter of the owner's or miller's christian name, with his surname at full length, shall be branded, and also the word, middlings, or, cornel, as the case may be; and every person who shall sell or export any middlings or cornel, in casks not branded as herein before directed, shall forfeit for each cask so sold or exported, and not branded, the sum of ten shillings.

Standard weight of merchantable wheat.

VII. *And be it further enacted by the authority aforesaid,* That the standard weight of wheat brought to the city of New-York for sale, shall be sixty pounds nett to the bushel.

and in all cases of sales of wheat in the said city, by the bushel, if the same shall exceed the standard weight, the buyer, shall pay a proportionably greater price ; and if the same shall be less than the said standard, the buyer shall pay a proportionably less price. Provided, That this regulation shall not extend to any special contracts respecting the sales of wheat, whatever may be the weight thereof.

VIII. *And be it further enacted by the authority aforesaid,* That every baker of any of the kinds of hard bread, commonly called ship, middling, water, butter or milk biscuits, intended for sale, shall cause the initial letter of his christian, with his surname at full length, to be impressed on each biscuit so baked ; and that upon the head of every cask or keg in which any such biscuit are packed for exportation, shall be marked with a marking-iron, the tare of such cask or keg ; and that the initial letter of the baker's christian name, with his surname at full length, shall be branded thereon, with words expressing the kind of bread or biscuit contained in the same, and the name of the city or county where such bread or biscuit was baked ; and such biscuit as is commonly sold in small kegs, shall contain either seven or fourteen pounds of the said bread. And if any person or persons shall sell or ship for exportation, any kind of hard bread, not marked and branded as herein before directed, he, she or they, shall forfeit for each hundred weight so shipped or sold, the sum of five shillings ; and so in proportion for a greater or less quantity.

IX. *And be it further enacted by the authority aforesaid,* That the several measurers appointed, or to be appointed within this state, shall be entitled to receive and take for measuring flax-seed, salt, wheat, rye, corn, buckwheat, or any other article commonly sold by the bushel, one half penny, per bushel, and no more ; and for all coal measured, at and after the rate of two shillings for every chaldron, and no more ; the one half to be paid by the buyer, and the other half by the seller ; unless a particular contract is made to the contrary.

X. *And be it further enacted by the authority aforesaid,* That this act shall be in force from and after the first day of July next ; and that all forfeitures mentioned in the same, shall and may be recovered in any court having cognizance thereof, with costs of suit, by any person or persons who shall sue for them respectively, by action of debt, bill, plaint or information ; the one half thereof to be for his, her or their own use, and the other half for the use of the people of this state.

## C H A P.      LXI.

*An ACT making such Alterations in the Act for incorporating Religious Societies, as to render the same more convenient to the Reformed Protestant Dutch Congregations.*

Passed 7th March, 1788.

**W**HEREAS by the usage of the religious societies commonly known by the appellation of the Reformed Protestant Dutch Churches, or congregations, the minister or ministers, and elders and deacons for the time being, have the management of the temporalities of the respective congregations ; and the said congregations cannot therefore avail themselves of the



1<sup>st</sup> ed. ch. 18. benefit intended by the act, entitled, † An act to enable all the religious denominations in this state, to appoint trustees, who shall be a body corporate, for the purpose of taking care of the temporalities of their respective congregations, and for other purposes therein mentioned; passed the 6th day of April, 1784; without departing from such usage which hath long been established, and hath always been approved of by the members of the said congregations. And whereas several of the said congregations have, by their petitions to the legislature, prayed that they might be accommodated in this respect, and that the requisite alterations might be made in the said act; Therefore,

*L. Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the elders and deacons for the time being, and if there shall be a minister or ministers, then the minister or ministers, and elders and deacons for the time being (during the time there shall so be a minister or ministers) of every reformed protestant Dutch church or congregation, established or formed, or hereafter to be established or formed in this state, shall be trustees for their respective churches or congregations, and be respectively bodies corporate, to the same intents and purposes, and with the like powers and authorities, and capacities, and subject to the same duties as are in and by the said act declared and enacted, with respect to trustees elected agreeable to the mode therein prescribed. That the said trustees so to be respective bodies corporate in virtue of this act, shall be respectively elected agreeable to the rules and usages of the reformed protestant Dutch churches within this state. That it shall be lawful for the elders and deacons, and where there shall be a minister or ministers, then for the minister or ministers, and elders and deacons, of every reformed protestant Dutch church or congregation already formed or established, or hereafter to be formed or established within this state, to assemble together as soon as they shall respectively deem it convenient; and to execute under their hands and seals, a certificate, certifying the name, style or title, by which they the said trustees of such church or congregation, and their successors forever, shall, as a body corporate by virtue of this act, be called, distinguished or known: And which certificate shall be proved or acknowledged and recorded, in like manner as is directed in and by the said act. And further, That it shall be lawful for the trustees of any such church or congregation elected in virtue of the said act, by writing under their hands and seals (to be proved or acknowledged, and recorded as aforesaid) to declare their will not to continue longer a body corporate; and from and immediately after the recording of such writing, such body corporate shall cease; and all the estate, real or personal, held by them, shall pass to and be vested in the trustees of such church or congregation made a body corporate by virtue of this act.*

## C H A P. LXII.

*An ACT for the better Settlement and Relief of the Poor.*

Passed 7th March, 1788.

**W**HEREAS the laws of this state for the settlement and relief of the poor, and for the removal of disorderly persons, have by experience, been found insufficient: For remedy whereof,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That every city and town shall support and maintain their own poor.

II. *And be it further enacted by the authority aforesaid,* That every person who shall have come to inhabit in any city or town within this state, and shall actually and bona fide have rented and occupied a tenement of the yearly value of twelve pounds or upwards, for two years, and actually paid such rent; and every person who shall have come to inhabit in any city or town, within this state, and shall for himself, or on his own account, have executed any public annual office or charge in such city or town, during one whole year; or who shall have been charged with and paid his or her share towards the public taxes of such city or town, for the space of two years; and every person who shall have been bound an apprentice or servant by indenture, or by any deed, contract or writing not indented, and shall, in consequence of such binding, have served a term not less than two years, in such city or town, shall be deemed and adjudged to have obtained a legal settlement in such city or town; and that all mariners coming into this state, and having no settlement in this state, or in any other of the United States of America; and every other healthy able-bodied person, coming directly from some foreign port or place, into this state, shall be deemed and adjudged to be legally settled in the city or town in which he or she shall have first resided for the space of one year.

III. *And be it further enacted by the authority aforesaid,* That every bastard child, shall be deemed and adjudged to be settled in the city or town of the last legal settlement of his or her mother.

IV. *And be it further enacted by the authority aforesaid,* That no person or persons shall be deemed, adjudged or taken to acquire or gain a settlement in any city or town within this state, for or by virtue of any purchase of any estate or interest in such city or town, whereof the consideration for such purchase shall not amount to the sum of thirty pounds, bona fide paid, for any longer or further time than such person or persons shall inhabit in such estate; and shall then be liable to be removed to the city or town where such person or persons were last legally settled before the said purchase and inhabitation therein.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons, other than those herein before mentioned, coming into any city or town within this state, shall, within forty days after his, her or their coming into such city or town, deliver a notice in writing, to any two overseers of the poor of such city or town into which he, she or they shall so come to reside, of the house or place of his, her or their abode, and the number and names of his, her or their family (if he, she or they shall have any) which notice, such overseers of the poor are hereby required to register, or to cause to be registered within forty-eight hours after the receipt thereof, in the book kept in such city or town for the accounts of the poor; and in case the overseers of the poor of such city or town, shall not, within twelve months after such notice, cause such person or persons to be removed out of such city or town, in the manner herein after mentioned; that then, and in such case, the person or persons so giving notice as aforesaid, shall be deemed and adjudged to be legally settled in such city or town, to all intents and purposes whatsoever.

VI. *And be it further enacted by the authority aforesaid,* That if any overseer or overseers of the poor, shall refuse or neglect to register, or to cause to be registered, such notice in writing as aforesaid, in such time and manner as aforesaid, he or they shall, for every such refusal or neglect, forfeit the sum of forty shillings, to the use of the party aggrieved; to be recovered with costs of suit, in any court having cognizance thereof.

VII. *And be it further enacted by the authority aforesaid,* That if any overseer or overseers of the poor of any city or town, shall have reason to believe that any stranger who shall have come to reside in such city or town, and who shall not have obtained a legal settlement in such city or town, according to the true intent and meaning of this act, is likely to become chargeable to such city or town; such overseer or overseers of the poor, shall and may apply to any two justices of the peace of such city, or of the county in which such town shall lie, and inform them thereof; and the said justices being so or otherwise informed, or seeing such stranger and suspecting him or her to be of insufficient abilities, or likely to become a charge to such city or town, are hereby authorized and required to issue their warrant to a constable of such city or town, thereby commanding him to bring such stranger before them the said justices, at such time and place as they, in their said warrant shall for that purpose appoint; and they the said justices shall examine every stranger so brought before them, and any other person or persons, whom they may think necessary, upon oath, relating to the abilities and last place of legal settlement of such stranger; and if upon such examination the said justices shall find such stranger likely to become a charge to such city or town, they shall order and direct such stranger, by a certain day by them to be prefixed, to remove to the place of his, her or their former settlement; and on neglect or refusal to comply with the said order, the said justices shall issue a warrant under their hands and seals, directed to any constable of such city or town (who is hereby required and commanded to execute such warrant) thereby commanding him to convey or transport such stranger to the constable of the next city or town, through which such stranger shall have been suffered to wander and stroll unapprehended; and so from constable to constable, or in such other manner, by the nearest and most convenient rout, as the said justices shall think fit to direct, to the place of legal settlement of such stranger, if the same shall be within this state. And further, If such stranger hath no place of legal settlement within this state, or if the said justices shall not be able to discover where the last place of legal settlement of such stranger was, then the said justices shall, in their said warrant, direct that he or she be conveyed and transported to the city or town from whence he or she last came; and the constable so conveying such stranger shall deliver him or her, together with his warrant aforesaid, to or at the house of some constable of such city or town; which constable is hereby required to receive such stranger, and convey him or her to the next constable; and so from constable to constable, or otherwise, as such justices shall direct as aforesaid, until such stranger shall be transported into some city or town within this state, where he or she shall have come from or be legally settled in, or out of this state into the state from whence he or she came into this state, as the case may require.

VIII. *And be it further enacted by the authority aforesaid,* That if any householder or inhabitant of this state, shall take into, receive or entertain, in his, her or their dwelling-

Any householder entertaining a stranger for fifteen days, with-

out giving notice, to ~~strict~~ <sup>house, out-house or family, for the space of fifteen days,</sup> ~~forty shillings.~~ any person who hath not gained a settlement in some city or town within this state, and shall not, within the time aforesaid, give notice in writing to one of the overseers of the poor of such city or town, of the name, quality, condition and circumstances of the person so entertained, according to the best knowledge of such householder or inhabitant; every such householder or inhabitant, so entertaining as aforesaid, shall, for every such offence, forfeit the sum of forty shillings; to be recovered with costs of suit, before any court having cognizance thereof, by any person or persons who shall sue and prosecute for the same to effect; one half of which forfeiture, when recovered, to be paid to the overseers of the poor of such city or town; and the other half to the person or persons who shall sue for the same as aforesaid. And further, If the person so entertained as aforesaid, shall have remained in any city or town longer than the term of forty days, then, and in such case, it shall and may be lawful for any two justices of the peace of such city, or of the county in which such town shall lie, to cause such and so many of the householders or inhabitants of such city or town, who shall have so entertained such stranger during the term of fifteen days, without giving information thereof as aforesaid, to be brought before them the said justices; and such householders or inhabitants shall enter into bond to the overseers of the poor of such city or town for the time being, and their successors, in the sum of one hundred pounds; conditioned, That such stranger shall not become a charge to such city or town. And in case any of the said persons, who shall have entertained such stranger as aforesaid, being in the opinion of such justices of the peace, of sufficient ability, shall refuse to become bound as aforesaid, it shall and may be lawful for the said justices of the peace, by warrant under their hands and seals, directed to any constable of such city or town, to cause such person or persons so refusing, to be committed to the common gaol of such city, or of the county in which such town shall lie; there to remain until he, she or they respectively shall consent and become bound as aforesaid; and such bond shall not be avoided by plea of duress. But if the person or persons so entertaining such strangers, shall not, in the opinion of the said justices of the peace, be of sufficient abilities to become bound as aforesaid; or if the said justices shall not think fit to take such bond as aforesaid, then they shall cause such stranger to be conveyed from constable to constable, in manner aforesaid, until he or she shall be transported to the place of his or her last settlement, if within this state, or into any other of the United States, if from thence he or she came.

IX. *And be it further enacted by the authority aforesaid,* That every constable transporting any stranger or strangers, shall receive so much money for his or their services, as the supervisors of the city or county shall judge he reasonably deserved to have. And further, That the charges of every transportation shall be borne by the respective city or county, and be raised, levied, collected and paid in the same manner as other monies for the contingent charges of such city or county are raised, levied, collected and paid in such respective city or county.

X. *And be it further enacted by the authority aforesaid,* That if any person so removed or transported as aforesaid, shall return into this state, or from the place of his or her legal settlement, to the city or town from whence he or she was so removed or transported as aforesaid, so as to be likely to become a burthen to such city or town aforesaid, such person so returning,

shall, by warrant from any two justices of the peace of such city, or of such county in which such town shall lie, be apprehended and retransported as aforesaid; and shall, by every constable into whose charge such person shall come, if the justices so removing him or her shall think proper and so direct, be whipped; if a man, not exceeding thirty-nine lashes, and if a woman, not exceeding twenty-five lashes; and so, as often as he or she shall return after such transportation.

*XI. And be it further enacted by the authority aforesaid,* That if any person be removed by virtue of this act, from one city or town to another within this state, by warrant under the hands and seals of any two justices of the peace as aforesaid, the overseers of the poor of the city or town to which the said person shall be so removed, are hereby required to receive the said person; and if they or any of them shall refuse or neglect so to do, the overseer or overseers so refusing or neglecting, shall, if thereof convicted by the oath of two witnesses, forfeit and pay, for each offence, the sum of ten pounds, to the use of the poor of the city or town from which the said person was so removed; to be recovered, with costs of suit, in any court having cognizance thereof, by the overseers of the poor of such city or town from which such person was so removed as aforesaid.

*XII. Provided always, and be it further enacted by the authority aforesaid,* That no person or persons, his, her or their child or children, shall acquire or gain a settlement in the city or town to which he, she or they shall be so removed by virtue of this act; but his, her or their settlement shall be and remain in the same place where it was before such removal; any thing in this act to the contrary notwithstanding.

*XIII. And whereas many poor persons resident in this state, cannot find employment in the city or town where they are legally settled, and are not able to give security that they and their families shall not become chargeable to any other city or town where they can find employ: For remedy whereof, Be it further enacted by the authority aforesaid,* That if any person

Poor persons who cannot find employ in their own town, may remove to any other upon producing a certificate from their own town, acknowledging them as inhabitants.

or persons, who shall think proper to remove out of any one city or town within this state, into any other, there to inhabit or reside, and shall at the same time procure, bring and deliver to the overseers of the poor of the city or town where he, she or they shall so come to inhabit or reside, or to any one of them, a certificate under the hands and seals of the overseers of the poor, or of any two of them, of the city or town of his, her or their last legal settlement, attested by two or more credible witnesses, thereby owning or acknowledging the person or persons mentioned in such certificate, to be an inhabitant or inhabitants legally settled in the city or town mentioned in such certificate as aforesaid, which certificate shall be either acknowledged by the overseers of the poor giving the same, or shall be duly proved by the witnesses who shall have attested the execution thereof, or one of them, before any justice of the peace of the city, or of the county wherein the town from whence any such certificate shall come, shall lie, and shall be approved of and subscribed by such justice of the peace; then, and in such case, it shall and may be lawful for every such person, with his or her family (if he or she have any) upon the delivery of such certificate as aforesaid, to continue, abide and remain in any such city or town to which he, she or they shall remove as aforesaid, and to follow any honest employment within the same; and the overseers

of the poor shall deliver every such certificate to the town-clerk of the city or town in which any such person or persons shall come to reside as aforesaid, who is hereby required to file and record the same. And further, That every such certificate so acknowledged or proved and allowed as aforesaid, shall be deemed, taken and allowed, in all courts whatsoever within this State, as duly and fully proved; and shall be taken and received as evidence, without any other proof thereof.

*XIV. And be it further enacted by the authority aforesaid,* That whenever any person, with his or her family (if he or she have any) or any part thereof, so remaining by virtue of the certificate or certificates aforesaid, shall become chargeable, or be obliged by sickness or otherwise, to ask relief of the city or town into which he, she or they were received as aforesaid, that then, and not before, it shall and

may be lawful for any two justices of the peace of the city or county into which such person or persons were received by virtue of such certificate as aforesaid, to remove and convey all and every such person or persons, with all and every of his or her family, and his or her children, though born in such city or town, and his or her servants and apprentices, not having otherwise acquired a legal settlement there, to the city or town from which such certificate was brought as aforesaid; the overseers of the poor of which city or town are in such case hereby required and obliged to receive and provide for every such person and his or her family as aforesaid.

*XV. And be it further enacted by the authority aforesaid,* That no person who shall come to reside in any city or town, by virtue of any such certificate as aforesaid, shall be deemed or adjudged by any act whatsoever of him or her, to have gained a legal settlement in such city or town during the time he or she shall reside there by virtue of such certificate, unless he or she shall, really and bona fide, purchase a freehold of the value of thirty pounds or upwards, or, really and bona fide, have rented and occupied a tenement of the yearly value of twelve pounds or upwards, for two whole years, or shall have executed a public annual office or charge in such city or town, for one whole year as aforesaid.

*XVI. And be it further enacted by the authority aforesaid,* That when any person or persons, or their families, residing in any city or town, or sent thither by certificate, and becoming chargeable as aforesaid, shall be removed back to the city or town to which such person or persons shall belong, the overseers of the poor shall be reimbursed such reasonable charges as he or they may have been put unto, in maintaining and removing such person or persons, by the overseers of the poor of the city or town to which such person or persons is, are or shall be removed; the said charges having been first ascertained and allowed by two or more of the justices of the peace of the city, or of the county, in which such town from which such removal shall be made, shall lie: Which said charges, so ascertained and allowed, shall, in case of refusal of payment, be levied by distress and sale of the goods and chattels of the overseers of the poor of the city or town to which such certificate person or persons shall be removed as aforesaid, by warrant or warrants, under the hands and seals of any two justices of the peace of the city or county where the overseers of the poor shall reside (who are hereby authorized and required to issue the same) directed to some constable of such city or town; returning the overplus, if any there be, after deducting all lawful costs and charges of such sale.

XVII. And whereas it often happens that poor persons having a residence in one city or town, remove from thence into another city or town within this state, without such certificate as aforesaid, and there become sick, lame, or otherwise so infirm that they cannot be removed, and sometimes die before they can be legally sent back, whereby the inhabitants of such city or town where such poor persons become sick, lame, or die, are put to charge and expence in the maintenance or burying such poor persons: And whereas it is just and reasonable that such charges and expences should be repaid, Therefore, *Be it further enacted by the authority aforesaid,* That if any poor person shall remove, or come out of any city or town where he or she is or shall be legally settled, into any other city or town within this state, and shall be taken sick or lame, so that he or she cannot be conveniently removed back to the place of his or her last legal settlement, then the overseers of the poor of such city or town into which such poor person shall so come as aforesaid, or one of them, shall give notice in writing, to the overseers of the poor of the city or town out of which such poor person shall have come as aforesaid, of the name, condition and circumstances of such poor person, and request such overseers of the poor, or one of them, to take care of, relieve and maintain such sick or lame poor person, during his or her illness; and also to provide for his or her funeral, if he or she should die there; and if such overseer or overseers of the poor, having notice as aforesaid, shall neglect or refuse so to do, then, and in such case, it shall be lawful for any two justices of the peace of the city, or of the county in which such town shall lie, where such poor person had his or her last legal place of settlement, upon complaint made to them, to cause all such sum and sums of money as shall be necessarily expended in the maintenance of such poor person, in his or her sickness or lameness, or on his or her funeral, to be levied by distress and sale of the goods and chattels of the said overseer or overseers of the poor, so neglecting or refusing to take care of and provide for such poor person as aforesaid, after such notice given to him or them as aforesaid, by warrant or warrants under the hands and seals of such justices (who are hereby authorized and required to issue the same) directed to some constable of the city or town where such overseer or overseers of the poor shall reside; returning the overplus, if any there be, after deducting all lawful costs and charges of such sale as aforesaid: And such sum or sums of money so recovered, shall be paid to the overseers of the poor, or to one of them, of such city or town where such poor person shall be sick, lame, or die, as aforesaid.

XVIII. *Provided always, and be it further enacted by the authority aforesaid,* That all and every person and persons who shall think himself, herself or themselves aggrieved by any judgment or order of any justice or justices of the peace, or by warrant of removal of any poor person, may appeal to the next general sessions of the peace, to be holden in and for such city, or in and for the county in which such city or town shall lie, where such judgment or order shall be made, or from which such poor person shall be removed as aforesaid, who are hereby authorized and required to hear and determine such appeals, and to do justice therein, according to the merits of the respective cases. And further, That no justice of the peace, who shall reside in any city or town where any dispute shall happen (except in the city and county of New-York) shall sit in court upon such appeal.

XIX. *And be it further enacted by the authority aforesaid,* That on every appeal to be made to the court of general sessions of the peace, to be holden

in and for the city and county of New-York, the justices who shall determine such appeal, shall, upon request, state the case specially, particularly and at large, that all and every person or persons who shall think himself, herself or themselves aggrieved by the determination on such appeal, may have remedy thereupon in the supreme court.

XX. *And be it further enacted by the authority aforesaid,* That no appeal or appeals, from any judgment or order whatsoever of any justice or justices of the peace, or from any order of removal of any poor person or persons whatsoever, from one city or town to another, shall be proceeded upon,

in any court of general sessions of the peace, unless reasonable notice in writing be given by the overseers of the poor of the city or town or the person or persons who shall make such appeal unto the overseers of the poor, or one of them, of such city or town as shall be affected by such judgment or order, or from which such poor person shall be removed; the reasonableness of which notice to be determined by the justices of such general sessions of the peace, to which the appeal is made; and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn such appeal to the next general sessions of the peace, and then and there finally hear and determine the same.

XXI. *And for the preventing vexatious removals and frivolous appeals, Be it further enacted by the authority aforesaid,* That if the justices shall, at their general sessions of the peace, to be holden in and for any city or county within this state, upon any appeal before them there to be had and prosecuted, for and concerning the settlement of any poor person or persons, determine in favour of the appellant or appellants, that such poor person or persons was or were unduly removed, that then the said justices shall, at the same general sessions, order and award, to such appellant or appellants, so much money (besides his or their costs and charges) as shall appear to the said justices to have been reasonably paid and expended by the overseers of the poor of the city or town on whose behalf such appeal was made, for or towards the relief of such poor person or persons, between the time of such undue removal and the determination of such appeal. And further, That upon every appeal before them there to be had, for or concerning any judgment or order of any justice or justices, for and concerning the settlement of any poor person, or upon any proof before them there to be had of notice of any such appeal to have been given, by the overseers of the poor of one city or town, or by any other person or persons, to the overseers of the poor of another city or town, or to any other person or persons, though he, she or they did not afterwards prosecute such appeal, the justices at the same general sessions of the peace, shall award and order to the party for whom and in whose favour such appeal shall be determined, or to whom such notice did appear to have been given as aforesaid, such costs and charges in the law, as by the said justices, in their discretion, shall be thought reasonable and just, to be paid by the overseers of the poor of the city or town, or other person or persons against whom such appeal shall be determined, or who gave notice of such appeal as aforesaid, and did not prosecute the same. And further, If in any of the cases aforesaid, the person or persons ordered to pay such monies and costs, and charges aforesaid, shall reside in any city or county out of the jurisdiction of such court of general sessions of the peace, it shall and may be lawful for the overseers of the poor, to whom such monies were, by order of such court of general sessions of the peace, directed to be paid, to sue for



and recover the same monies against the person or persons against whom such award or order was made, with costs of suit, in an action for monies had and received to the plaintiffs use, in any court in this state having cognizance thereof, where the person or persons against whom such determination shall be given as aforesaid, shall reside; in which action a true copy of the award and order of such justices in their court of general sessions of the peace, signed by the clerk and sealed with the seal of the same court, when produced, shall be sufficient evidence for the recovery of such sum or sums of money so awarded and ordered to be paid as aforesaid.

XXII. *And be it further enacted by the authority aforesaid,* That the father and grand-father, mother and grand-mother (being of sufficient ability) of any poor, blind, lame or decrepid person or persons whomsoever, not being able to maintain himself or herself, and becoming chargeable to any city or town within this state, and the children and grand-children being of sufficient ability) of every poor, old, blind, lame or impotent person, not being able to maintain himself or herself, and becoming chargeable as aforesaid, shall severally and respectively, at his, her or their charges and expences, relieve and maintain every such poor person as aforesaid, in such manner as the justices of the peace of the city or county where such sufficient person shall dwell, at their general sessions of the peace, shall order and direct, on pain of forfeiting and paying ten shillings for each person so ordered to be relieved, for every week he, she or they shall fail therein; to be sued for and recovered with costs of suit, by the overseers of the poor of the city or town to which such poor person or persons shall be chargeable, for the use of the poor of such city or town, in the manner herein before-directed with respect to costs and charges upon an appeal.

XXIII. And whereas it sometimes happens that persons run-away or abscond from their places of abode and legal settlement, and leave their wives and families a charge to the city or town in which they are settled, although such persons have some estate, real or personal, whereby such city or town might be eased in whole or in part; Therefore, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the overseers of the poor of any city or town within this state, where any father or husband shall run-away or absent himself from his wife or children, or where any widow shall run away or absent herself from her child or children, and leave him, her or them, a charge to such city or town, to apply to any two justices of the peace of the city or county where such estate, real or personal, or any part thereof, may be, and by warrant under the hands and seals of the said two justices, who are hereby authorized and required to issue the same, to take and seize the goods and chattels, and to let out and receive the annual rents and profits of the lands and tenements of such father, husband or mother, so absconding as aforesaid, for and towards the maintaining, bringing up and providing for such wife, child, or children so left as aforesaid; and so soon as the said seizure shall be allowed of and confirmed by the justices in their general sessions of the peace, it shall and may be lawful for the said overseers of the poor, or any two of them, from time to time, and as often as the case may require, to sell and dispose of so much and so many of the said goods and chattels at public vendue, to the highest bidder, and to receive the said rents and profits, or so much thereof as shall be ordered by the said sessions, and to apply the money arising thereby towards the maintenance of such poor family or person so left as aforesaid. And further, That the said overseers of the poor shall be accountable to the justices of the peace in their said

general sessions, for all such Monies as shall or may arise by every such sales or sales, or to be received by them for the rents and profits of such lands and tenements.

**XXIV.** *And be it further enabled by the authority aforesaid,* That the majority of the freeholders and inhabitants who shall be assembled at the annual town meetings in each respective town in the several counties of this state, shall and may determine and agree upon such sum and sums of money as they may think proper for the purpose of maintaining and supporting the aged and other poor, in their respective towns in the ensuing year; of which sum or sums of money, so agreed upon to be raised, each respective town-clerk shall make full and proper entries in the town book by him to be kept, and shall, as soon as conveniently may be, deliver a true copy of such entry, certified under his hand, to the supervisor of the said town; and the said supervisor is hereby required to lay the same before the supervisors of the county, at their then next meeting, in order that the said sum may be raised in such town, for the support and maintenance of the poor thereof.

**XXV.** *And be it further enabled by the authority aforesaid,* That it shall and may be lawful, to and for the mayor, aldermen and commonalty of the cities of Albany and Hudson, respectively, in common council convened, yearly and every year, to determine and agree upon such sum and sums of money as they may respectively think proper for the purpose of maintaining and supporting the aged and other poor in the said cities respectively, in the ensuing year; of which respective sums of money so agreed upon to be raised, the town-clerk of each of the said cities respectively, shall make a full and proper entry in the minutes of the said common council, and shall, as soon as conveniently may be, deliver a true copy of such entry, certified under his hand, to a supervisor of such respective city; who is hereby required to lay the same before the supervisors of the county, at their then next meeting, in order that the said sum may be raised in such respective city, for the support and maintenance of the poor thereof.

**XXVI.** *And be it further enabled by the authority aforesaid,* That when, and as often as any poor person belonging to any city or town within this state, shall apply for relief, to any overseer or overseers of the poor of such city or town, the said overseer or overseers of the poor shall make application to a justice of the peace of such city, or of the county in which such town shall lie; which said justice and overseer or overseers of the poor, shall enquire into the state and circumstances of the person so applying as aforesaid; and if it shall appear to the said justice and overseer or overseers of the poor, that such person is in such indigent circumstances as to require relief, then the said justice shall give an order in writing, to the said overseer or overseers of the poor, to make such allowance weekly or otherwise, to every such poor person, as they in their discretion shall think his or her necessities shall or may require: And the said overseer or overseers of the poor, shall make no other or further allowance to such poor person than what by the said order shall be directed; which said order shall be a sufficient voucher for the payment of so much money by the said overseer or overseers of the poor, and shall be allowed in adjusting his or their accounts.

**XXVII.** *And be it further enabled by the authority aforesaid,* That the overseers of the poor of each respective city or

Inhabitants of each town at their annual town meetings to determine what sum shall be raised for the support of their poor.

Common council of the cities of Albany and Hudson, yearly to determine what sum shall be raised to support their poor.

Duty of the overseers when any poor person applies for relief.

Names of persons relieved, to be regis-

joined in a book, with the time of admission, the allowance ordered, and the cause of their necessity.

town within this state, shall procure at the public charge, a book of good paper and well bound, wherein the names of all poor persons applying for relief and being ordered to be relieved as aforesaid, shall be registered, with the day and year when they were first admitted to have relief, the weekly

or other sum or sums of money allowed by the order for their relief, and the cause of such necessity; and that no person shall be entered into the poor-books, or receive relief from the overseers of the poor, or any of them, without such order procured as aforesaid: And in case any overseer or overseers

Overseers to enter in the poor-books all monies received and laid out for the use of the poor, and all matters relating to their offices.

of the poor shall enter into the poor-books, and relieve any such poor person or persons, without such order, he or they shall forfeit and lose all such money and goods paid and distributed to such poor person or persons; nor shall any allowance be made to him or them for the same, in passing

his or their account or accounts; and the said overseers of the poor, are hereby directed and required to enter, or to cause to be entered in the said poor-books, all monies received, laid out and disbursed by them respectively for the use of the poor, and also all matters and things which shall be transacted by them relating to their said office. And the overseers of the poor for the cities of Albany and Hudson, respectively, shall yearly, once in every year, lay such books of accounts before the common council of the said cities respectively, at such times as the said respective common councils shall direct. And the overseers of the poor of every town, shall yearly and every year, on the last Tuesday in March, lay their said books of accounts before the town clerk and supervisor of such town, and such justice or justices of the peace as may reside in such town, or the major part of them, for their examination, who shall examine and audit the same, and make report thereof to the freeholders and inhabitants of their respective towns, at their next annual town-meeting, that such further provision for the maintenance and support of the poor may be made, as may be found necessary.

In all contracts by overseers of the poor for binding out children, a clause to be inserted that the master shall cause such child to be taught to read and write.

XXVII. *And be it further enacted by the authority aforesaid,* That in all indentures and contracts to be made by any overseers of the poor of any city or town, by and with the consent of the justices of the peace of the county, or any two of them, or by and with the consent of the mayor, recorder and aldermen, or any two of them, in any city, for binding or putting out any child as an apprentice or servant, shall, among the covenants in such indentures or contracts to be made and agreed upon between the parties, always insert a clause to the following effect, That every master and mistress to whom such child shall be bound as aforesaid, shall cause such child to be taught and instructed to read and write.

And further, That the overseers of the poor for the time being, of each respective city and town, shall be the guardians of every such child so put and bound out as aforesaid, to take care that the terms of the indentures or contract, and the covenants and agreements therein contained be performed and fulfilled, and that such child be not ill used; and the said overseers of the poor are hereby empowered and directed to enquire into the same, and to redress any grievance or grievances, in such manner as is prescribed by law.

Overseers of the poor to be guardians of such children.

XXVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the overseers of the

poor, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the overseers of the

Overseers of the poor, with the consent of their own, to bind,

poor, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the overseers of the

purchase, or hire poor of the cities of Albany and Hudson, by and with the  
 houses for the accom- consent of the common council of the same cities respec-  
 modation of the poor, tively, and for the overseers of the poor of any town within  
 &c. this state, and any two or more justices of the peace of the county in which  
 such town shall lie, with the consent and approbation of the major part of  
 the freeholders and inhabitants of such town, to be signified at such annual  
 town-meeting as aforesaid, and at the proper charge of such city or town,  
 to be ascertained, assessed and levied as aforesaid, to build, purchase or hire,  
 some fit and convenient dwelling house or houses in such city or town, for  
 the lodging and accommodation of the poor thereof; and also to purchase  
 necessary materials for setting such poor persons to work, and there to keep,  
 maintain and employ all and every such poor person, and to take the bene-  
 fit of the work, labour and services of any such poor person who shall be  
 kept and maintained in any such house, for the better maintenance and re-  
 lief of such poor persons, who shall be there kept and maintained, and  
 thereof to appoint such person or persons as keeper or keepers, from time  
 to time, as they shall think proper; and in case any poor person, claiming  
 relief of any city or town within this state, where such house or houses  
 shall be so built, purchased or hired, shall refuse to be lodged, kept to work  
 and maintained, in such house or houses, such poor person or persons so  
 refusing, shall be put out of the book in which the names of the poor are by  
 this act directed to be registered, and shall not be entitled to ask or receive  
 any relief from the overseers of the poor of any such city or town.  
 And further, That where any town may be too small to build, purchase or  
 hire such house or houses as aforesaid, it shall be lawful for the overseers of  
 the poor and justices of the peace, with the consent and approbation of the  
 major part of the freeholders and inhabitants of two or more towns within  
 any county in this state, to be signified at such annual town-meetings as  
 aforesaid, to join together and unite in building, purchasing or hiring such  
 house or houses, for the lodging, keeping and maintaining of the poor of  
 such towns, so joining together, and uniting; and also to purchase necessary  
 materials for setting such poor persons to work, and there to keep, maintain  
 and employ all and every such poor person, and to take the benefit of the  
 work, labour and services of any such poor person, who shall be kept and  
 maintained in any such house for the better maintenance and relief of the  
 poor there to be kept, maintained and employed; and thereof to appoint  
 such person or persons as keeper or keepers from time to time, as they shall  
 think proper; and in case any poor person or persons claiming relief of any  
 such united towns as aforesaid, shall refuse to be lodged, kept to work, and  
 maintained in the house or houses so to be built, purchased or hired for such  
 united towns as aforesaid, such poor person or persons so refusing shall be  
 put out of the book in which the names of the poor are, by this act, directed  
 to be registered as aforesaid, and shall not be entitled to ask or receive any  
 relief from the overseers of the poor of any such town. And further, That  
 it shall and may be lawful for the overseers of the poor and justices of any  
 town within this state, with the consent and approbation of the major part  
 of the freeholders and inhabitants of such town where such house or houses  
 shall be built, purchased or hired for the purposes aforesaid, to be signified  
 at such annual town-meeting as aforesaid, to contract with the overseers of the  
 poor and justices of any other town, for the lodging, maintaining and em-  
 ploying of any poor person or persons belonging to such other town, as to  
 them shall seem meet. And in case any such poor person or persons belong-

ing to any other town, shall refuse to be lodged, maintained and employed, in such house or houses so contracted for as aforesaid, such poor person or persons so refusing, shall be put out of the book in which the names of the poor are, by this act, directed to be registered as aforesaid, and shall not be entitled to ask or receive any relief from the overseers of the poor of any such town.

*XXX. And be it further enacted by the authority aforesaid,*  
Overseers yearly to deliver an exact account of monies received and expended to their successors, who, with the supervisor and justices, shall examine and audit such accounts.  
 That the overseers of the poor of each respective city and town in this state, shall, annually, within fifteen days after the termination of their respective offices, exhibit to the succeeding overseers of the poor of such city or town, a particular, full, just and true account, of all the monies by them respectively received and expended for the use of the

poor, and from whom, to whom, and in what manner, and for what use or uses, together with an account of the earnings of the poor persons by them employed; which accounts the said overseers of the poor for the time being, together with the supervisor or supervisors of such city or town, and justices of the peace residing in such city or town, or the major part of them, shall, as soon as conveniently may be, examine and audit; and the said overseers of the poor so going out of office, shall respectively, on auditing such account, pay all such balance and sums of money as shall appear to be in his or their hands, or due from him or them to such city or town, to their successors in office, to be applied and accounted for by them in the course of the next year, in the like manner as is herein before prescribed; and such overseers of the poor so going out of office, shall, at the same time of exhibiting their accounts, deliver up to their successors in office, all books of accounts, registers, and other papers relating to the poor as aforesaid; and if any overseer or overseers of the poor shall refuse or neglect to exhibit such account or accounts as aforesaid, and to pay to his or their successors in office, such monies as shall remain in his or their hands as aforesaid, or to deliver up all such books of accounts, registers, and other papers relating to the poor as aforesaid; every such overseer of the poor, so neglecting or refusing, shall, for every such neglect or refusal, forfeit and pay the sum of one hundred pounds, over and above the said balance remaining in his or their hands, to be recovered with costs of suit in any court of record within this state, by the overseers of the poor of such city or town for the time being, and when recovered to be applied to the use of the poor of such city or town; and if upon auditing such account there shall appear to be a balance due to such overseers of the poor, so going out of office as aforesaid, or to either of them, the same shall be paid to him or them by their successors in office, out of the first monies which shall come into their hands as overseers of the poor of such city or town.

*XXXI. And be it further enacted by the authority aforesaid,*  
Overseers to recover from their predecessors in office, or any of them, any monies due by them to their town.  
 That it shall and may be lawful for the overseers of the poor for the time being, of each respective city and town, to recover against their predecessors in office, and each of them, their executors or administrators, all such sums of money as shall appear, upon such audit as aforesaid, to be due from them respectively, to such respective city or town, in an action for monies had and received to the use of such city or town, with costs of suit, in any court having cognizance thereof; or to have and maintain an action or actions of account against any former overseer or overseers of the poor of such city or town,

his or their executors or administrators: And no such action shall be abated or discontinued by the death or expiration of the office of any such plaintiff or plaintiffs, but shall and may be continued and prosecuted to effect, by the survivor or survivors of them, and their successors in office; and such suit shall always be brought and prosecuted by, and in the name of the overseers of the poor of such city or town for the time being.

*XXXII. And be it further enacted by the authority aforesaid,*  
Masters of vessels to report to the mayor or recorder, the names and occupations of all persons brought into port in their vessels, or for hire, for every person not reported, and 30l. for every foreigner.

That every master of any ship or other vessel, who shall enter his ship, or other vessel, in the custom-house of this state in the city of New-York, shall, within twenty-four hours after his arrival, make a report in writing, on oath, to the mayor of the said city, or in case of his sickness or absence, to the recorder of the said city for the time being, of the names and occupations of every person who shall be brought into port, in his said ship, or other vessel; and in case of neglect the master of such ship, or other vessel, shall forfeit the sum of twenty pounds for every person so neglecting to be reported. And further, That if any person, so neglected to be reported to the mayor or recorder of the said city as aforesaid, shall be a foreigner, the master of such ship, or other vessel, so neglecting to make report as aforesaid, shall forfeit the sum of thirty pounds for every foreigner so neglected to be reported. And further, That if any householder shall entertain in his or her house or family, any such foreigner, and not report the same to the mayor, or in case of his absence or sickness, to the recorder of the said city for the time being, within twenty-four hours after he or she shall receive such foreigner into his or her house or family, he or she shall forfeit the sum of five pounds; which said respective forfeitures, shall and may be recovered by action of debt, with costs of suit, in any court within this state, having cognizance thereof, by any person or persons who shall sue and prosecute for the same to effect; the one half of which forfeitures, when recovered, to be paid to the treasurer or chamberlain of the said city, for the use of the poor thereof, and the other half to the person or persons who shall sue and prosecute for the same to effect as aforesaid.

*XXXIII. And be it further enacted by the authority aforesaid,*  
Any master of any vessel landing any person who is likely to become a charge, to send or carry him back again in one month, or enter into bond that he shall not become chargeable.

That if any master of any ship or other vessel shall bring or land within this state, any person who cannot give a good account of himself or herself, to the mayor or recorder of the said city for the time being, as aforesaid, or who is like to be a charge to the said city, such master shall, within one month, carry or send the person so imported by him, back again to the place from whence he or she came, and shall for that purpose enter into bond to the mayor, aldermen and commonalty of the city of New-York, with one or more surety or sureties, to be approved of by such mayor or recorder, in the sum of one hundred pounds, conditioned for the purposes aforesaid, or shall enter into bond to the said mayor, aldermen and commonalty of the said city, with one or more sufficient surety or sureties, to be approved by such mayor or recorder as aforesaid, in the sum of one hundred pounds, conditioned that the person so imported shall not be or become a charge to the said city as aforesaid, or any other city or town in this state; and in case such master of any ship or other vessel shall refuse to become bound as aforesaid, it shall and may be lawful for such mayor or recorder, by warrant under his hand and seal, directed to any constable of

the said city, to cause such person so refusing, to be committed to the common gaol of the said city, there to remain until he shall consent to become bound as aforesaid; and such bond shall not be avoided by plea of duress.

**XXXIV.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, in common council convened, to nominate and appoint, under the common seal of the said city, twelve, or more, of the freeholders and inhabitants of the said city, to be overseers of the poor thereof, by the name and stile of, The commissioners of the alms-house and bridewell of the city of New-York; which said persons, being so appointed, or the major part of them, shall have the same power and authority of overseeing and providing for the poor of the said city, and they, or any two of them, shall have the same power and authority for putting or binding out apprentices and servants in the said city, and be subject to the same duties and penalties which the overseers of the poor in the respective towns in this state, have, or are subject to by this act.

**XXXV.** *Provided always, and be it further enacted by the authority aforesaid,* That all monies to be raised and collected in the said city for the maintenance and support of the poor, and all fines and forfeitures to be incurred in the said city by virtue of this act, and which by this act are made payable to the overseers of the poor, for the use of the poor of any city or town, shall be paid into the hands of the treasurer or chamberlain of the said city for the time being, and shall be applied and disposed of in such proportions, and from time to time; as the mayor, aldermen and commonalty of the same city, in common council convened, by warrant under the hand of the mayor or recorder of the said city, presiding in such common council, shall direct and appoint; any thing in this act contained to the contrary notwithstanding.

**XXXVI.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the common council of the said city, to remove from office any person or persons so by them to be appointed as aforesaid, for any neglect of duty or mal-conduct in office; and also, in manner aforesaid, from time to time, to fill all vacancies which shall be occasioned by such removal, or by death or resignation; and also, from time to time, to make and ordain such ordinances and regulations as they shall think necessary for the better government of the alms-house and bridewell of the said city, and the keepers, officers and servants thereof.

**XXXVII.** *And be it further enacted by the authority aforesaid,* That in all cases where any of the present poor in any county of this state are maintained by the whole county, or by more than one town, such poor persons shall continue to be so maintained; any thing in this act contained to the contrary notwithstanding.

**XXXVIII.** *And be it further enacted by the authority aforesaid,* That all former acts and laws of the late colony of New-York, and of this state, † 3d sess. ch. 68. † relating to the settlement and relief of the poor, and every 7th sess. ch. 35. matter, article and thing therein contained, be, and the same hereby are severally repealed. Provided always, That if any person hath by virtue of any act or acts of the late colony of New-York, or of this state, gained a settlement in any city or town in this state, such settlement

shall not be altered by any thing in this act before contained. *Provided* also, That all and every sum and sums of money heretofore directed to be raised for the support of the poor in any city or town, shall be raised and collected in the same manner as if this act had not been made.

## C H A P.   LXIII.

*An ACT for dividing the State into Counties.*

Passed 7th March, 1788.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That the state of New-York shall be, and hereby is divided into sixteen counties, to be called by the names of New-York, Albany, Suffolk, Queen's, King's, Richmond, West-Chester, Orange, Ulster, Dutchess, Columbia, Washington, Clinton, Montgomery, Cumberland and Gloucester.

**II.** *And be it further enacted by the authority aforesaid,* That the bounds of the coun-  
ties. ties. That the bounds and limits of the said several counties shall be as follows :

The county of New-York to contain the islands called Manhattan's-Island, Great Barn-Island, Little Barn-Island, Manning's-Island, Nutten-Island, Bedlow's-Island, Bucking-Island, and the Oyster-Islands, and all the land under the water within the following bounds ; beginning at Spyten-Duyvel creek where the same empties itself into Hudson's-River, on the West-Chester side thereof, at low-water mark, wherever the same now is or hereafter may be, and so running along the said creek at low-water mark as aforesaid on the West-Chester side thereof, unto the East-River, or Sound, and from thence to cross over to Nassau-Island, to low-water mark there as aforesaid, including Great Barn-Island, Little Barn-Island, and Manning's-Island, and from thence along Nassau-Island shore, at low-water mark as aforesaid, unto the south side of the Red-Hook, and from thence across the North-River, so as to include Nutten-Island, Bedlow's-Island, Bucking-Island, and the Oyster-Islands, to low-water mark on the west side of Hudson's-River, or so far as the bounds of this state extend there, and so up along the west side of Hudson's-River, at low-water mark, or along the limits of this state, until it comes directly opposite the first mentioned creek, and thence to the place where the said boundaries first began.

*Divided,*  
14th sess. ch. 4. The county of Albany to contain all that part of this state, beginning at the most northerly end or part of Wanton-Island, in Hudson's-River, and running from thence to the head of Kaater's-Creek, or Kill, where the same issues out of the southerly side or end of a certain lake or pond, lying in the Blue Mountains ; from thence to a small lake called Uttayantho, and thence north twenty-five degrees east, until it intersects a west line drawn from the north-west corner of old Schoharie patent, thence east to the north-east corner of the said Schoharie patent, thence to the north-west corner of the township of Duaneburg, thence along the north bounds thereof to the north-east corner of the same, thence on the same course with the said north bounds of Duaneburg to the Mohawk River, thence north until it intersects a west line drawn from Fort-George near Lake-George, thence east to the east side of the most easterly branch of Hudson's-River, thence down along the middle of the said branch of Hudson's-River to Batten-Creek, thence up along the middle of the said creek until it intersects the south bounds of a patent called Princetown,



thence along the same to the south-east corner thereof, thence east to the west bounds of the county of Cumberland, then southerly along the same to the north bounds of Massachusetts, thence along the same westerly and southerly to the north bounds of the county of Columbia, which is an east line from the southernmost part of Bearen-Island in Hudson's-River, and thence along the bounds of the county of Columbia west to Hudson's-River, and thence continuing the same course to the middle of the river, and thence down the middle of the river until it comes due east from the north end of Wanton-Island aforesaid, and thence to the place of beginning, including Bearen-Island aforesaid.

The county of Suffolk to contain all that part of this state bounded easterly and southerly by the Atlantic-Ocean, northerly by the Sound, and westerly by Lloyd's-Neck or Queen's-Village, Cold-Spring Harbour and the east bounds of the township of Oysterbay, and the same line continued due south to the Atlantic-Ocean, including the Isle of Wight, now called Gardiner's-Island, Fisher's-Island, Shelter-Island, Plumb-Island, Robin's-Island, and the Gull-Islands.

The county of Queen's to contain all that part of this state, bounded easterly by Suffolk county, southerly by the Atlantic-Ocean, northerly by the Sound, and westerly by the west bounds of the townships of Newtown and Jamaica, including Lloyd's-Neck or Queen's-Village, and the islands called the Two-Brothers and Hallett's-Island, and all islands in the Sound opposite to the said bounds and southward of the main channel.

The county of King's to contain all that part of this state, bounded easterly by Queen's county, northerly by the county of New-York, westerly partly by Hudson's-River and partly by the ocean, and southerly by the Atlantic-Ocean, including Coney-Island.

The county of Richmond to contain all Staten-Island, Shooter's-Island, and the islands of meadow on the west side thereof.

The county of Westchester to contain all that part of this state, bounded southerly by the Sound, easterly by the state of Connecticut, northerly by the north bounds of the manor of Courtland, and the same line continued east to the bounds of Connecticut, and west to the middle of Hudson's-River, and westerly by a line running from thence down the middle of Hudson's-River until it comes opposite to the bounds of the state of New-Jersey, then west to the same, then southerly along the east bounds of the state of New-Jersey, to the line of the county of New-York, and then along the same, easterly and southerly to the Sound, or East-River, including Captain's-Island, and all the islands in the Sound to the east of Frog's-Neck, and to the northward of the main channel.

The county of Orange to contain all that part of this state, bounded southerly by the state of New-Jersey, westerly by the state of Pennsylvania, easterly by the middle of Hudson's-River, and northerly by an east and west line from the mouth of Murderer's-Creek.

The county of Ulster to contain all that part of this state, bounded easterly by the middle of Hudson's-River, southerly by the county of Orange, westerly by the state of Pennsylvania, and the west branch of Delaware-River, and northerly by the county of Albany.

The county of Dutchess to contain all that part of this state, bounded easterly by the state of Connecticut, southerly by the county of Westchester, westerly partly by the county of Orange, and partly by the county of Ulster, and northerly by the manor of Livingston, including the whole of the Oblong to the northward of the county of Westchester.

The county of Columbia to contain all that part of this state, bounded southerly by the county of Dutchess, westerly by the counties of Ulster and Albany, northerly by the county of Albany, and easterly by the county of Dutchess and the state of Massachusetts.

The county of Cumberland to contain all that part of this state, beginning on Connecticut-River at the north bounds of the state of Massachusetts, and extending westward along the same, until such line shall meet with and be intersected by a line proceeding on a course, south ten degrees west from the north-west corner of a tract of land granted under the great seal of the late colony of New-York, on the fourth day of September, one thousand seven hundred and seventy, to James Abeel and nine other persons, and extending from the said point of intersection, north ten degrees east, until such line shall meet with and be intersected by another line, to be drawn on a course north, sixty degrees west from the south-west corner of a tract of land granted under the great seal of the late colony of New-York, on the thirteenth day of November, in the Year of our Lord one thousand seven hundred and sixty-nine, and erected into a township by the name of Royalton; and running from the last mentioned point of intersection, south sixty-six degrees east, to Connecticut-River, and so down along the same river to the place of beginning.

The county of Gloucester to contain all that part of this state, bounded southerly by the north bounds of the county of Cumberland, easterly by the east bounds of this state, northerly by the north bounds of this state, and westerly by a line to be drawn from the north-west corner of the said county of Cumberland, on a course north ten degrees east, until such line shall meet with and be intersected by another line, proceeding on an east course from the south bank of the mouth of Otter-Creek, and from the said last mentioned point of intersection running north fifty degrees east, to the north bounds of this state.

The county of Washington to contain all that part of this state, bounded southerly by the county of Albany, easterly by the counties of Cumberland and Gloucester, northerly by a line beginning at the most northerly point of the rock commonly called Rogers's rock, situate on the west side of Lake-George, and thence due west to the county of Montgomery, and running also from the said rock due east to the west bounds of the county of Gloucester, and westerly by the counties of Albany and Montgomery.

The said county of Clinton to contain all that part of this state, bounded northerly by the north bounds of this state, easterly by the county of Gloucester, southerly by the county of Washington, and westerly by the easterly line of the county of Montgomery, which is the line of the county of Albany that runs north from the Mohawk-River, continued to the north bounds of this state.

And the county of  $\frac{1}{2}$  Montgomery to contain all that part of this state, bounded easterly by the counties of Ulster, Albany, Washington and Clinton, southerly by the state of Pennsylvania, and westerly and northerly by the west and north bounds of this state.

Provided always, That the lines or boundaries so assigned as aforesaid for the limits of any of the said counties, shall not, nor shall any or either of them be deemed to take away, abridge, destroy or affect the right or title of any person or

Altered,  
12th sess. ch. 4.

Divided,  
14th sess. ch. 10.

Said boundaries not  
to affect the titles of  
individuals or bodies  
politic.

persons, bodies politic or corporate, in any manner or by any means whatsoever.

III. *And be it further enacted by the authority aforesaid,* That until the first census be taken, pursuant to the constitution of this state, it shall and may be lawful for the freeholders and inhabitants of the said county of Clinton, to vote in all elections for governor, lieutenant-governor, and members for senate and assembly, in like manner as they might have done, if this act had not passed: And that the supervisors of the said county of Clinton, shall yearly meet with the supervisors of the said county of Washington, on the last Tuesday of May, in every year, until the said census shall be taken as aforesaid, at Salem, where the court is then holden in the county of Washington, and shall, in conjunction with the supervisors of the said county of Washington, proceed to open the inclosures delivered to the clerks of the said counties, and canvass and estimate the votes therein contained, and shall in all things conform to the directions of the act, entitled, ‡ An act for regu-

lating Elections, passed the 13th of February, 1787. And

in case the said supervisors of the said counties of Washington and Clinton, or a majority of them, shall not meet as aforesaid, on the last Tuesday of May, in any year, then the clerks of the said counties respectively, shall give notice thereof to, and the judges and assistant justices of the courts of common pleas for the said counties, shall meet together at Salem, in the said county of Washington, and act in all respects as the clerks and judges and assistant justices of the courts of common pleas of the several counties in this state, are respectively directed to do in and by the said act.

IV. *And be it further enacted by the authority aforesaid,* That there shall be held in and for the county of Clinton, a court of common pleas, and a court of general sessions of the peace, at the town of Plattsburgh; and that there be in the said county of Clinton, two terms in every year, to

commence and end on the days following, to wit; The first term to commence on the fourth Tuesday of October, and to end on the Saturday following; the second term to commence on the third Tuesday in April, and to end on the Saturday following. Provided, That in any of the terms aforesaid, the court may adjourn previous to the day assigned, if the business of the court will admit: And that the first court of common pleas and general sessions of the peace in the said county, shall be held on the fourth Tuesday of October next ensuing.

C H A P. LXIV.

*An ACT for dividing the Counties of this State into Towns.*

Passed 7th March, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all that part of the county of Suffolk now called and known by the name of Southold, including Fisher's-Island, Plumb-Island, Robin's-Island, the Gull-Islands, and all that part of the manor of St. George, on the north side of Peaconock, extending westward to the east line of Brook-Haven, shall be, and hereby is erected into a town by the name of Southold.

And that all that part of the said county of Suffolk, now called East-Hampton, including Montaack and the Isle of Wight, now called Gardiner's-Island, shall be, and hereby is erected into a town by the name of East-Hampton.

And that all that part of the said county of Suffolk, now called and known by the name of South-Hampton, including Bridge-Hampton, heretofore called Saggaboneck and Mecoxe, shall be, and hereby is erected into a town by the name of South-Hampton.

And that all that island called Shelter-Island, in the county of Suffolk, shall be, and hereby is erected into a town by the name of Shelter-Island.

And that all that part of the said county of Suffolk called Huntington, including Eaton's-Neck and Crab-Meadow, shall be, and hereby is erected into a town by the name of Huntington.

And that all that part of the said county of Suffolk, bounded southerly by the Atlantic-Ocean, westerly by Huntington, northerly by Smith-Town and Winne-commick, and easterly by the east bounds of the lands formerly belonging to William Nicoll, near Blue-Point, shall be, and hereby is erected into a town by the name of Ilip.

And that all that part of the said county of Suffolk, bounded southerly by Ilip, westerly by Huntington, northerly by the Sound, and easterly by the patent of Brookhaven, including Winne-commick, shall be, and hereby is erected into a town by the name of Smith-Town.

And that all that part of the said county of Suffolk, bounded westerly by Smith-Town and Ilip, northerly by the Sound, easterly by Southold and South-Hampton, and southerly by the Atlantic-Ocean, shall be, and hereby is erected into a town by the name of Brookhaven.

Altered,  
13th (eff. ch. 19.

And that all that part of Queen's county, now called and known by the name of Oysterbay, including Lloyd's-Neck, or Queen's-Village, and Hog-Island, and extending on the south to the Atlantic-Ocean, shall be and continue a town by the name of Oysterbay.

And that all that part of Queen's county, bounded easterly by Oysterbay, southerly by the Atlantic-Ocean aforesaid, westerly by Jamaica, and northerly by the country road leading from Jamaica nearly through the middle of the Great Plains, commonly called Hempstead-Plains, to the east part thereof, including the lands called the Gore, between the patent of Hempstead and the patent of Oysterbay, shall be and continue a town by the name of South-Hempstead.

And that all that part of Queen's county aforesaid, bounded easterly by Oysterbay, southerly by South-Hempstead, westerly by Flushing, and northerly by the Sound, shall be and continue a town by the name of North-Hempstead.

And that all that part of Queen's county aforesaid, now called and known by the name of Flushing, shall be and continue a town by the name of Flushing.

And that all that part of Queen's county aforesaid, now called and known by the name of Jamaica, shall be and continue a town by the name of Jamaica.

And that all that part of Queen's county aforesaid, now called and known by the name of Newtown, including all the islands in the Sound opposite the same and comprehended in Queen's county, shall be and continue a town by the name of Newtown.

And that all that part of King's county, now called and known by the name of Brooklyn, shall be and continue a town by the name of Brooklyn.

And that all that part of King's county aforesaid, now called and known by the name of Bushwick, shall be and continue a town by the name of Bushwick.

And that all that part of King's county aforesaid, now called and known by the name of Flatlands or Amesford, shall be and continue a town by the name of Flatlands.

And that all that part of King's county aforesaid, now called and known by the name of Flatbush, including the tract of land called New-Lots, shall be and continue a town by the name of Flatbush.

And that all that part of King's county aforesaid, now called and known by the name of Gravesend, including Coney-Island, and all the islands south of the said town, shall be and continue a town by the name of Gravesend.

And that all that part of King's county aforesaid, now called and known by the name of New-Utrecht, shall be and continue a town by the name of New-Utrecht.

And that all that part of the county of Richmond, bounded northerly by Kill-Van-Gull, easterly by Hudson's-River, southerly by the road leading from Van Duerfon's ferry, southward of the Watering-Place, to Richmond-Town, and westerly by a line beginning at the mouth of Dongan's mill-creek, and running from thence along the line of the manor of Castle-Town, to the road at the rear of the patent of Corfen and company, thence along the northerly side of the said road westerly to the road leading to Haughwout's mill, and then southerly along the westerly side of the last mentioned road as it runs along by Richard Conner's, to the tavern called the Rose and Crown, on the said road leading to Richmond-Town, shall be, and hereby is erected into a town by the name of Castle-Town.

And that all that part of the said county of Richmond, bounded northerly by the north side of said road leading from Van Duerfon's ferry to Richmond-Town and the Fresh-Kill, easterly by Hudson's-River, southerly by the Bay, and westerly by a line beginning on the Fresh-Kill at the north-west corner of the land and meadow late of James Egberts, and running from thence southerly along the same to Egbert's lane, and then along the same lane to the road called the New-Road, and then along the same new-road westerly to the land of Henry Perine, and then southerly along his easterly bounds to the Bay, shall be, and hereby is erected into a town by the name of Southfield.

And that all that part of the said county of Richmond, bounded northerly by the Fresh-Kill, easterly by Southfield, southerly by the Bay, and westerly by the Sound, shall be, and hereby is erected into a town by the name of Westfield.

And that all the residue of the said county of Richmond, shall be, and hereby is erected into a town by the name of Northfield.

And that all that part of the county of Westchester, bounded easterly by the Sound, and the land granted to Thomas Pell, called the manor of Pelham, southerly by the Sound, westerly by the county of New-York, and northerly by the north bounds of the manor of Fordham, and the north bounds of the land called the Borough-Town of Westchester, including the islands in the Sound lying south thereof and in the county of Westchester, excepting thereout that tract of land commonly called Morrisania, shall be, and hereby is erected into a town by the name of Westchester.

And that all that tract of the said county of Westchester, commonly called and known by the name of Morrisania, shall be, and hereby is erected into a town by the name of Morrisania.

Annexed to Westchester, 14th Feb. ch. 52.

And that all that part of the county of Westchester, bounded easterly by Bronx-River, southerly by the town of Westchester, westerly by the county of New-York and Hudson's-River, and northerly by the north bounds of a tract of land called the Yonkers, shall be, and hereby is erected into a town by the name of Yonkers.

And that all that part of the said county of Westchester, bounded easterly by Bronx-River, southerly by Yonkers, westerly by Hudson's-River, and northerly by a line beginning on the east side of Hudson's-River, at the south-west corner of the land lately conveyed by the commissioners of forfeitures for the southern district, to Gerard G. Beekman, jun. and running from thence along the southerly and easterly bounds thereof, to the farm of William David, and then along the southerly and easterly bounds of the said farm of the said William David, to the road leading to the White-Plains, and then easterly along the same road to Bronx-River, shall be, and hereby is erected into a town by the name of Greenburgh.

And that all that part of the said county of Westchester, bounded southerly by Greenburgh, westerly by Hudson's-River, and northerly and easterly by the north and east bounds of the manor of Philipburgh, shall be, and hereby is erected into a town by the name of Mount-Pleasant.

And that all that part of the said county of Westchester, bounded southerly by the town of Westchester, westerly by Bronx-River, northerly by the manor of Scarsdale, and easterly by a brook that runs southerly into Eastchester creek, shall be, and hereby is erected into a town by the name of Eastchester.

And that all that part of the said county of Westchester, called and known by the name of manor of Pelham, bounded southerly and easterly by the Sound, northerly by the north bounds of the manor of Pelham, including the island called the New-City-Island, Hart-Island and Appleby's-Island, and westerly by the town of Eastchester, shall be, and hereby is erected into a town by the name of Pelham.

And that all that part of the said county of Westchester, called and known by the name of New-Rochelle, bounded southerly by the town of Pelham, easterly by the Sound, northerly by Mamaroneck and the manor of Scarsdale, and westerly by the manor of Scarsdale and Eastchester, including the island called Rodman's-Island, shall be, and hereby is erected into a town by the name of New-Rochelle.

And that all that part of the said county of Westchester, bounded westerly by Bronx-River, southerly by the town of Eastchester, and New-Rochelle, easterly by the east bounds of the tract of land called the manor of Scarsdale, and northerly by the north bounds of the said manor of Scarsdale, shall be, and hereby is erected into a town by the name of Scarsdale.

And that all that part of the said county of Westchester, bounded southerly by New-Rochelle, easterly by the Sound, northerly by Mamaroneck-River, and westerly by the town of Scarsdale, shall be, and hereby is erected into a town, by the name of Mamaroneck.

And that all that part of the said county of Westchester, bounded easterly by Mamaroneck-River, northerly by North-Castle, westerly by Bronx-River, and southerly by the town of Scarsdale, shall be, and hereby is erected into a town by the name of White-Plains.

And that all that part of the said county of Westchester called and known by the name of Harrison's-Purchase, shall be, and hereby is erected into a town by the name of Harrison.

And that all that part of the said county of Westchester, bounded southerly by the Sound, easterly by Connecticut, and westerly by the town of Harrison and Mamaroneck-River, including Captain's-Island, and all the Islands in the Sound lying south of the said bounds, shall be, and hereby is erected into a town by the name of Rye.

*Divided,  
14th Feb. ch. 36.*

And that all that part of the said county of Westchester, bounded southerly by Mount-Pleasant, the White-Plains, the town of Harrison and Connecticut, easterly by Connecticut, Pound-Ridge and Bedford, northerly by the manor of Cortlandt and Bedford, and westerly by Bronx-River and Mount-Pleasant, shall be, and hereby is erected into a town by the name of North-Castle.

And that all that part of the said county of Westchester, formerly called and known by the name of the town of Bedford, shall be, and hereby is erected into a town by the name of Bedford.

And that all that part of the said county of Westchester, bounded southerly by the state of Connecticut, easterly and northerly by Salem, and westerly by Bedford and Mahanus-River, shall be, and hereby is erected into a town by the name of Pound-Ridge.

And that all that part of the said county of Westchester, bounded northerly by a line beginning at a monument in the line between this state and Connecticut, east of the north Long-Pond, and running westerly by the north side of the said pond and the south bounds of the land of Ezekiel Hawley, until it comes to the road leading over the mountain, and then crossing the same road, and running northerly along the west side of the same road to the land of Ezekiel Hawley, and then westerly along the same to the west line of the Oblong, then northerly along the said Oblong line, until it comes to the south line of the north lot number ten, of the manor of Cortlandt, and then westerly along the south bounds of the said north lot number ten, and the south bounds of the north lots number nine and eight, to Croton-River, and then down the said river to Bedford, easterly and southerly by Connecticut, Pound-Ridge and Bedford, and westerly by Pound-Ridge, Bedford and Croton-River, shall be, and hereby is erected into a town by the name of Salem.

And that all that part of the said county of Westchester, bounded southerly by Salem, easterly by Connecticut, northerly by Dutchess county, and westerly by the middle of Croton-River, shall be, and hereby is erected into a town by the name of North-Salem.

And that all that part of the said county of Westchester, bounded westerly by Hudson's-River, northerly by the county of Dutchess, easterly by north lot number two, and south lot number two of the manor of Cortlandt, and the same line continued to the south bounds of the manor of Cortlandt, and southerly by the south bounds of the manor of Cortlandt, shall be, and hereby is erected into a town by the name of Cortlandt.

And that all that part of the said county of Westchester, bounded westerly by the town of Cortlandt, northerly by the county of Dutchess, easterly by north lot number five, and south lot number five of the said manor of Cortlandt, and the same line continued to the south bounds of the said manor of Cortlandt, and southerly by the south bounds of the said manor of Cortlandt, shall be, and hereby is erected into a town by the name of York-Town.

And that all that part of the said county of Westchester, bounded westerly by York-Town, northerly by the county of Dutchess, easterly by North-Salem, Croton-River and Bedford, and southerly by the south bounds of the

manor of Cortlandt, shall be, and hereby is erected into a town by the name of Stephen-Town.

And that all that part of the county of Dutchess, bounded southerly by the county of Westchester, westerly by Hudson's-River, northerly by the north bounds of the lands granted to Adolph Philipse, Esq. and easterly by the east bounds of the Long-Lot, number four, formerly belonging to Beverly Robinson, shall be, and hereby is erected into a town by the name of Philip's-Town.

And that all that part of the said county of Dutchess, bounded southerly by the county of Westchester, westerly by Philip's-Town, northerly by the north bounds of the lands granted to Adolph Philipse, Esq. and easterly by the east bounds of the same patent, shall be, and hereby is erected into a town by the name of Frederick's-Town.

And that all that part of the said county of Dutchess, bounded southerly by the county of Westchester, westerly by Frederick's-Town, northerly by the northern line of Frederick's-Town, continued to Connecticut, and easterly by Connecticut, shall be, and hereby is erected into a town by the name of Southeast-Town.

And that all that part of the said county of Dutchess, bounded southerly by Philip's-Town and Frederick's-Town, westerly by Hudson's-River, northerly by Wappinger's-Kill or creek, and easterly by the east bounds of Rom-bout's patent, shall be, and hereby is erected into a town by the name of Fishkill.

And that all that part of the said county of Dutchess, bounded southerly by Frederick's-Town, westerly by Fishkill, northerly by the north bounds of the lands granted to colonel Henry Beekman, and easterly by a line beginning at the house now or late of Daries Talman, near the Nine-Partners line, and running from thence to the house of William Clark, and from thence to the house of Nathaniel Lee, and from thence to the house of Caleb Lamb, and from thence south sixteen degrees west to Frederick's-Town, shall be, and hereby is erected into a town by the name of Beekman.

And that all that part of the said county of Dutchess, bounded southerly by Southeast-Town and Frederick's-Town, westerly by Beekman, northerly by the north bounds of the patent granted to colonel Henry Beekman, continued to Connecticut, and easterly by Connecticut, shall be, and hereby is erected into a town by the name of Pawling.

And that all that part of the said county of Dutchess, bounded easterly and southerly by Wappinger's-Kill or creek, westerly by Hudson's-River, and northerly by the tract of land called the Great or Lower Nine-Partners, shall be, and hereby is erected into a town by the name of Poughkeepsie.

And that all that part of the said county of Dutchess, bounded southerly by Poughkeepsie and Beekman, westerly by Hudson's-River, northerly and easterly by a line beginning at the east bank of Hudson's-River, at the north-west corner of the tract of land, called Pawling's-Patent, and running along the north line of the same patent, to Crom-Elbow-Kill, otherwise called Fish-Creek, thence up along the said creek, to the line of the tract of land called the Little or Upper Nine-Partners, thence easterly along the said line to the north-east corner of lot number One, so known and distinguished in the first division of the said tract of land, called the Great or Lower Nine-Partners, and then southerly in the line of that tier of lots to the north bounds of Beekman aforesaid, shall be, and hereby is erected into a town by the name of Clinton.



And that all that part of the said county of Dutchess, bounded southerly by Clinton, westerly by Hudson's-River, northerly by the county of Columbia, and easterly by the Little or Upper Nine-Partners, shall be, and hereby is erected into a town by the name of Rhyneck.

And that all that part of the said county of Dutchess, bounded southerly by the town of Beekman, westerly by Poughkeepsie and Clinton, northerly by the north bounds of a tract of land called the Lower or Great Nine-Partners, and easterly by the easternmost tier of lots laid out in the general division heretofore made of the said tract of land called the Lower or Great Nine-Partners, shall be, and hereby is erected into a town by the name of Washington.

And that all that part of the said county of Dutchess, bounded southerly by the town of Pawling, westerly by the town of Washington, northerly by the north bounds of the said Lower or Great Nine-Partners, and an east line from the north-east corner thereof to Connecticut, and easterly by Connecticut, shall be, and hereby is erected into a town by the name of Amenia.

And that all that part of the said county of Dutchess, bounded westerly by Rhyneck, northerly by the county of Columbia, easterly by Connecticut, and southerly by the towns of Washington and Amenia, shall be, and hereby is erected into a town by the name of Northeast-Town.

And that all that part of the county Orange, bounded easterly by Hudson's-River, southerly by New-Jersey, and westerly and northerly by a line beginning on Hudson's-River, at the north-east corner of the farm late belonging to Harman Talman, deceased, and running from thence westerly along the said farm to the tract of land formerly granted to Teunis D. Talman, and then southerly and westerly along the bounds of the same tract to Demarest's-Kill or Hackinsack-River, and then down the stream thereof to the north-east corner of a tract of one thousand acres of land formerly sold for defraying the expences of dividing the patent of Kakiatt, and then westerly along the same to the north-west corner thereof, and then northerly, westerly and southerly along the land of Johannes Jos. Blauvelt to the north-east corner of the land of John M. Hogenkamp, and then westerly and southerly along the same to the north-east corner of the land of John P. Mahie, and then westerly along his land to New-Jersey, shall be, and hereby is erected into a town by the name of Orange-Town.

Divided,  
14th Ess. ch. 33.

And that all that part of the said county of Orange, bounded easterly by Orange-Town and Hudson's-River, southerly by Orange-Town and New-Jersey, and northerly by a line beginning at the mouth of Poplopen's-Kill on Hudson's-River, and running from thence on a direct course to the south-easternmost corner of the farm of Stephen Slood, and then along the south bounds of his farm to the south-west corner thereof, and then on the same course to New-Jersey, shall be, and hereby is erected into a town by the name of Haverstraw.

And that all that part of Orange county aforesaid, bounded northerly by Ulster county, easterly by Hudson's-River and Haverstraw, southerly by New-Jersey, and westerly by a line beginning at the border or verge of Ulster county, near the new dwelling-house which belonged to John Manno, in the year of our Lord one thousand seven hundred and sixty-four, and running from thence on a course which will leave the house, then and now belonging to Barnabas Horton, junior, ten chains to the westward of the said course, and so to continue the same course to New-Jersey, shall be, and hereby is erected into a town by the name of New-Cornwall.

And that all that part of the county of Orange aforesaid, bounded easterly by New-Cornwall, north by Ulster county, westerly by the Wallkill, and southerly by the creek commonly called Quakers-Creek, from where it falls into the Wallkill on the south-westerly side of the Great-Island in the drowned lands, to the house of Timothy Clarke, thence along the southerly side of the road leading from Florida to Chester, to the house of Isaac Wynans, thence along the southerly side of the road running by the grist-mill of William Thompson, Esq. towards Sugar-Loaf mountain, to the northerly line of the plantation of Samuel Rainer, and thence along the said line easterly to the south-west corner of a large tract of land commonly called Rutgers tract, and then easterly along the southerly bounds of the said tract, to the foot of the said Sugar-Loaf mountain, and then an east course to the bounds of New-Cornwall, shall be, and hereby is erected into a town by the name of Goshen.

And that all that part of the county of Orange aforesaid, bounded easterly by New-Cornwall, southerly by the state of New-Jersey, westerly by the Wallkill, and northerly by Goshen, shall be, and hereby is erected into a town by the name of Warwick.

And that all that part of the said county of Orange, bounded easterly by the Wallkill, southerly by New-Jersey, westerly by Delaware-River, and north by the county of Ulster, shall be, and hereby is erected into a town by the name of Minisink.

And that all that part of the county of Ulster, bounded easterly by Hudson's-River, southerly by the county of Orange, and westerly and northerly by a line beginning at the west side of Hudson's-River, at the mouth of Quazsick-Creek, and running from thence along the south bounds of a tract of land commonly called the German-Patent, and the southerly bounds of a tract of land granted to Alexander Baird and company, to the east bounds of two thousand acres of land granted to Cadwallader Colden, and then across the same to the most northerly corner of the land granted to Patrick Hume, and then along the westerly bounds thereof to the lands granted to Patrick M'Knight, and then along the same, south-easterly and south-westerly, to the southerly corner thereof, and then continuing the last mentioned line to the county of Orange, so as to include the lands of Fletcher Mathews, shall be, and hereby is erected into a town by the name of New-Windsor.

And that all that part of the said county of Ulster, bounded easterly by Hudson's-River, southerly by New-Windsor, westerly by the east bounds of the said tract of land granted to Cadwallader Colden, and the east bounds of one thousand acres of land granted to John Johnson, and the east bounds of three thousand acres of land granted to Henry Wileman, and the east bounds of three thousand five hundred acres of land granted to Rip Van Dam and others, and northerly by a line beginning on the west side of Hudson's-River, at the north-east corner of a tract of land granted to Francis Harrison and company, called the five thousand acre tract, and running from thence westerly along the north bounds of the same tract, and the north bounds of another tract granted to the said Francis Harrison, to the tract of land commonly called Wallace's tract, then along the lines of the same northerly and westerly to the north-easterly bounds of a tract of land granted to Jacobus Kip, John Cruger and others, commonly called Kipp and Cruger's tract, then westerly along the north-easterly and northerly bounds thereof, to the north-west corner thereof, and then westerly to the north-east corner of the said tract of three thousand five hundred acres of land granted to Rip Van Dam

and others, shall be, and hereby is erected into a town by the name of Newburgh.

And that all that part of the county of Ulster, bounded easterly by Hudson's-River, southerly by Newburgh, westerly by the east bounds of two thousand acres of land granted to Peter Barberie, and the east bounds of two thousand acres of land granted to William Huddleston, and the east bounds of two thousand acres of land granted to Thomas Garland, and northerly by a tract of land granted to Lewis Du Bois and partners, called the New-Paltz Patent, and a tract of land granted to Noah Elsing and Nathaniel La Fever, and a tract of land granted to Anne Mullender, commonly called Mullender's Tract, and a tract of land granted to Hugh Frere, and the southerly line thereof, continued to the east bounds of the said two thousand acres of land granted to the said Thomas Garland, shall be, and hereby is erected into a town by the name of Marlborough.

And that all that part of the said county of Ulster, bounded easterly by New-Windfor, southerly by the county of Orange, westerly by Shawangunk-Kill, and northerly by the line commonly called the old north-west line, shall be, and hereby is erected into a town by the name of Wallkill.

And that all that part of the said county of Ulster, bounded easterly by New-Windfor and Newburgh, southerly by the said town of Wallkill, westerly by Shawangunk-Kill, and northerly by a line beginning at the north-east corner of a tract of three thousand acres of land granted to Henry Wileman, and running thence along the north bounds thereof to the Paltz-River, commonly called the Wall-Kill, and then southerly up the same river to the south-east corner of a tract of four thousand acres of land granted to Gerardus Beekman and others, and then westerly and northerly along the southerly and westerly bounds thereof to the north-west corner thereof, and then north-westerly along the north bounds of the lands granted to Jeremiah Schuyler and company, to the Shawangunk-Kill aforesaid, shall be, and hereby is erected into a town by the name of Montgomery.

And that all that part of the said county of Ulster, bounded easterly by Newburgh and Marlborough, southerly by Montgomery and the Platte-Kill, westerly by Shawangunk mountains, and northerly by a line beginning at the north-east corner of a tract of two thousand acres of land granted to William Huddleston, and running from thence along the north bounds thereof, and the north bounds of two thousand acres of land granted to Peter Mathews and others, to the mouth of Shawangunk-Kill, and then westerly along the north side of the same kill, as it runs to the south-west corner of the land granted to colonel Jacob Rutfen, and then along the westerly bounds thereof to the north-west corner thereof, and then along the southerly bounds of a tract of land granted to Stephen Du Blois, to the south-west corner thereof, and then north-west to Shawangunk mountains aforesaid, shall be, and hereby is erected into a town by the name of Shawangunk.

And that all that part of the said county of Ulster, called the township of Kingston, and manor of Fox-Hall, and extending northward to the line of the county of Albany, and southward to the north bounds of a tract of land granted to Lewis Du Bois and partners, called the New-Paltz Patent, shall be, and hereby is erected into a town by the name of Kingston.

Altered,  
12th sess. ch. 48.

And that all that part of the said county of Ulster, called the township of Hurley, shall be, and hereby is erected into a town by the name of Hurley.

And that all that part of the said county of Ulster, called Marbletown, shall be, and hereby is erected into a town by the name of Marbletown.

And that all that part of the said county of Ulster, bounded northerly by the north bounds of the patent granted to Lewis Du Bois and partners, called the New-Paltz-Patent, easterly by Hudson's-River, southerly by Marlborough and Shawangunk, and westerly by the west bounds of the said patent, continued southerly to the north-west corner of Shawangunk, shall be, and hereby is erected into a town by the name of New-Paltz.

Altered,  
12th sess. ch. 48.

And that all that part of the said county of Ulster, called Rochester, and extending west to Delaware-River, shall be, and hereby is erected into a town by the name of Rochester.

And that all that part of the said county of Ulster, bounded northerly by Rochester, easterly by the town of Shawangunk, Montgomery and Wallkill, southerly by the county of Orange, and westerly by Delaware-River, shall be, and hereby is erected into a town by the name of Marna-Kating.

Divided,  
12th sess. ch. 48.

And that all that part of the said county of Ulster, bounded northerly by the county of Albany, easterly by Kingston, Hurley and Marletown, southerly by Rochester, and westerly by Delaware-River and the county of Montgomery, shall be, and hereby is erected into a town by the name of Woodstock.

And that all that part of the county of Columbia, bounded westerly and northerly by the county of Albany, southerly by the north bounds of the city of Hudson, as far as to the first falls in Major Abraham's-Creek, and from thence running east, and easterly by a line running from a place in the north line of the county of Columbia, ten miles distant from Hudson's-River, due south until it strikes the said last line from the said falls, shall be, and hereby is erected into a town by the name of Kinderhook.

And that all that part of the said county of Columbia, now called King's district, bounded westerly by Kinderhook, northerly by the county of Albany, easterly by the east bounds of this state, and southerly by the said east line from the first falls in Major Abraham's-Creek aforesaid, continued to the east bounds of this state, shall be, and hereby is erected into a town by the name of Canaan.

And that all that part of the said county of Columbia, bounded southerly by the manor of Livingston, westerly by the city of Hudson, northerly by Kinderhook, and easterly by a line beginning at the south-east corner of Kinderhook, and running thence south fourteen degrees west to the manor of Livingston, shall be, and hereby is erected into a town by the name of Claverack.

And that all that part of the said county of Columbia, bounded westerly by Claverack, northerly by Canaan, easterly by the east bounds of this state, and southerly by the manor of Livingston, and the north line thereof, continued to the east bounds of this state, shall be, and hereby is erected into a town by the name of Hilldale.

And that all that part of the said county of Columbia, beginning on the south side of the mouth of a certain river, commonly called Roeloff-Janzen's Kill, and running thence along the south side of the said river easterly until it comes to the tract of land heretofore granted to Derick Wessels, lying on both sides of the said river, thence along the westerly, northerly and easterly bounds of the said tract, until it again comes to the said river, and then along the south side of the said river until it strikes the farm now in the occupation of Marcus Platner and Jacob Heermanse, and then along the westerly, northerly and easterly part of the same farm to the south side of the said creek or river, and then along the southerly side thereof, to the south bend

thereof, where it meets with the north line of the county of Dutchess, and thence westerly along the line of the county of Dutchess, to Hudson's-River, and then northerly up along Hudson's-River, to the place of beginning, shall be, and hereby is erected into a town by the name of Clermont, excepting thereout the tract of country called the German or East-Camp.

And that all that part of the said county of Columbia, commonly called and known by the name of the German or East-Camp, shall be, and hereby is erected into a town by the name of German-Town.

And that all the remaining part of the said county of Columbia, shall be, and hereby is erected into a town by the name of Livingston.

14th Ess. ch. 4.  
Divided,  
14th Ess. ch. 33.

And that all that part of the county of Albany, bounded southerly by the county of Columbia, westerly by Hudson's-River, including such of the islands in the same river as are nearest the east side thereof, and northerly by the north bounds of the manor of Rensselaerwyck, and easterly by a line beginning in the same north bounds, at a place nine miles distant from Hudson's-River, and running from thence southerly to the north-east corner of Kinderhook, in the county of Columbia, shall be, and hereby is erected into a town by the name of Rensselaerwyck.

Divided,  
14th Ess. ch. 33.

And that all that part of the said county of Albany, bounded easterly by the east bounds of this state, southerly by the county of Columbia, westerly by the said town of Rensselaerwyck, and northerly by the north bounds of the said manor of Rensselaerwyck, shall be, and hereby is erected into a town by the name of Stephen-Town.

14th Ess. ch. 4.

And that all that part of the said county of Albany, bounded southerly by the said town of Rensselaerwyck, westerly by Hudson's-River, northerly by a line beginning at the mouth of Lewis's Creek or Kill, and running from thence south eighty-four degrees east to Hosick-River, and easterly and south-easterly by a line running from thence down along Hosick-river, as it runs to the place where Toll's-Bridge formerly stood, and then due south to the road leading from St. Hoick to Albany, and then along the same road to the north bounds of Rensselaerwyck, shall be, and hereby is erected into a town by the name of Schactekoke.

And that all that part of the said county of Albany, bounded southerly by Rensselaerwyck and Stephen-Town, westerly by Schactekoke, northerly by Schactekoke and Cambridge, and easterly by a line beginning at the distance of ten miles east from Hudson's-River, on the north line of Schactekoke, continued east, and running from thence to a place in the north bounds of Stephen-town, at the distance of thirteen miles from Hudson's-River, shall be, and hereby is erected into a town by the name of Pitt's-Town.

And that all that part of the said county of Albany, bounded easterly by the east bounds of this state, southerly by Stephen-Town, westerly by Pitt's-Town, and northerly by the north line of Schactekoke and Pitt's-Town, continued to the east bounds of this state, shall be, and hereby is erected into a town by the name of Hosick.

And that all that part of the said county of Albany, bounded northerly by the county of Washington, easterly by the east bounds of this state, southerly by Hosick, Pitt's-Town and Schactekoke, and westerly by the east bounds of Saraghtoga-Patent, shall be, and hereby is erected into a town by the name of Cambridge.

Divided,  
12th sess. ch. 48.

And that all that part of the said county of Albany, bounded easterly by Cambridge, southerly by Schaeckoke and Anthony's-Kill, and a line from that part of the said kill where it comes out of the Round-Lake to the south-east corner of Ball's-Town, westerly by Ball's-Town, and a north line from the north-east corner thereof, and northerly on the west side of Hudson's-River, by the north bounds of lot number seventeen in Saraghtoga-Patent, continued to the said north line from the north-east corner of Ball's-Town, and on the east side of Hudson's-River, by a line beginning in the middle of lot number thirty-eight in Saraghtoga-Patent, on Hudson's-River, and running easterly parallel to the south bounds of the same lot to Cambridge, shall be, and hereby is erected into a town by the name of Stillwater.

Divided,  
12th sess. ch. 48.

And that all that part of the said county of Albany, bounded northerly by the county of Washington, easterly by Cambridge, southerly by Stillwater, and westerly by a north line from the north-east corner of Ball's-Town, continued to the county of Washington, shall be, and hereby is erected into a town by the name of Saraghtoga.

Altered,  
12th sess. ch. 48.

And that all that part of the said county of Albany, bounded westerly by the county of Montgomery, northerly by the county of Washington, easterly by Saraghtoga and Stillwater, and southerly by the south bounds of Ball's-Town, and a line from the south-west corner thereof, continued west to the county of Montgomery, shall be, and hereby is erected into a town by the name of Ball's-Town.

Altered,  
12th sess. ch. 48.  
14th sess. ch. 4.

And that all that part of the said county of Albany, bounded northerly by Stillwater and Ball's-Town, easterly by Schaeckoke, southerly by the middle of the Mohawk-River, and its most northerly branch, and westerly by the west bounds of the patent granted to William Apple, and the Long-Lake, shall be, and hereby is erected into a town by the name of Half-Moon.

Altered,  
12th sess. ch. 48.

And that all that part of the said county of Albany, bounded northerly by Ball's-Town, easterly by Half-Moon and Water-Vliet, southerly by the north bounds of the manor of Rensselaerwyck, and westerly by the county of Montgomery, and a line running from that part of the Mohawk-River where the line of the county of Montgomery comes to the said river, south to the manor of Rensselaerwyck, including all that tract of land called Cory's-Brook, shall be, and hereby is erected into town by the name of Schenectady.

Divided,  
19th sess. ch. 19.  
14th sess. ch. 33.

And that all that part of the said county of Albany, bounded easterly by Hudson's-River, including the islands in the same lying nearest the west side thereof, northerly by Half-Moon, and by a line from the south-west corner of Half-Moon, south to the lands granted to John Schuyler, and then along the western bounds thereof to the north bounds of the manor of Rensselaerwyck, and then to the north-west corner of the said manor, westerly by the west bounds of the same manor, and southerly by the north line of the county of Columbia, continued to the west bounds of the same manor, except the city of Albany, shall be, and hereby is erected into a town by the name of Water-Vliet.

See 11th sess. ch. 96.  
Sec. 38.

And that all that part of the said county of Albany, bounded westerly and northerly by the county of Montgo-

mery, easterly by Schenectady and Water-Vliet, and southerly by a tract of land called the township of Blenheim, and a line running from the north-east corner thereof east to Water-Vliet, shall be, and hereby is erected into a town by the name of Schoharie.

Divided,  
13th Febr. ch. 19.

And that all that part of the said county of Albany, bounded westerly by the counties of Montgomery and Ulster, northerly by Schoharie and Water-Vliet, easterly by the county of Columbia, and southerly by a line beginning at the south bank of the mouth of the Murderer's-Kill, at Lunenburg, and running from thence north, eighty degrees west, to the county of Ulster, shall be, and hereby is erected into a town by the name of Cockskie.

And that all that part of the said county of Albany, bounded northerly by Cockskie, easterly by the county of Columbia, and southerly by the county of Ulster, shall be, and hereby is erected into a town by the name of Cats-Kill.

And that all that part of the county of Washington, bounded southerly by the county of Albany, westerly by Hudson's-River, northerly by a tract of land called Kingsbury, and a tract of land called the Provincial-Patent, and easterly by the east bounds of a tract of land called the township of Argyle, shall be, and hereby is erected into a town by the name of Argyle.

And that all that part of the said county of Washington, bounded easterly by the east bounds of the said county of Washington, southerly by the county of Albany, westerly by Argyle, and northerly by the north bounds of a tract of land called Turner's-Patent, and a line running from the north-east corner thereof, east to the east bounds of the said county of Washington, shall be, and hereby is erected into a town by the name of Salem.

And that all that part of the said county of Washington, bounded easterly by the east bounds of the said county of Washington, southerly by Salem aforesaid, westerly by Argyle, and the said tract of land called the Provincial-Patent, and northerly by an east and west line run from the south-east corner of a tract of land formerly granted to lieutenant Byrn, shall be, and hereby is erected into a town by the name of Hebron.

And that all that part of the said county of Washington, bounded easterly by the east bounds of the said county of Washington, southerly by Hebron aforesaid, westerly by the said tract called the Provincial-Patent, and a tract of land called the Artillery-Patent, and northerly by a tract of land heretofore called Skeensborough, and a line running east from the south-east corner thereof, to the east bounds of the said county of Washington, shall be, and hereby is erected into a town by the name of Granville.

And that all that part of the said county of Washington, bounded easterly by the east bounds of the said county of Washington, southerly by Granville aforesaid, westerly by the said tract of land heretofore called Skeensborough, and a line running from the north-east corner thereof, north-east to the north bounds of the said county of Washington, and northerly by the north bounds of the said county of Washington, shall be, and hereby is erected into a town by the name of Hampton.

And that all that part of the said county of Washington, bounded easterly by Hampton, southerly by the south bounds of the tract of land heretofore called Skeensborough, westerly by the west bounds of the said tract and the waters of South-Bay, and northerly by the north bounds of the said county of Washington, shall be, and hereby is erected into a town by the name of Whitehall.

And that all that part of the said county of Washington, bounded easterly by the said tract of land called the Provincial-Patent, southerly by Argyle, and Hudson's-River, westerly by the west bounds of a tract of land called Kingsbury, and northerly by the north bounds of the said tract of land called Kingsbury, shall be, and hereby is erected into a town by the name of Kingsbury.

And that all that part of the said county of Washington, bounded southerly by Kingsbury, easterly by Hebron, Granville and Whitehall, northerly by Whitehall and the north bounds of the said county of Washington, and <sup>‡</sup> easterly by Lake-George, shall be, and hereby is erected <sup>§</sup> So in the original. into a town by the name of Westfield.

And that all that part of the said county of Washington, bounded easterly by Westfield and Kingsbury, southerly by the county of Albany, westerly by the county of Montgomery, and northerly by the north bounds of the said county of Washington, shall be, and hereby is erected into a town by the name of Queensbury.

And that all that part of the county of Clinton, bounded southerly by the south bounds of the said county of Clinton, northerly by the south line of Judd's-Patent, continued westerly to the county of Montgomery, and easterly to the east bounds of the county of Clinton, easterly by the east bounds of the county of Clinton, and westerly by the county of Montgomery, shall be, and hereby is erected into a town by the name of Crown-Point.

And that all that part of the county of Clinton, bounded on the south by the town of Crown-Point, on the north by the south line of a patent (which including the river A-Sable, at its mouth) continuing westward to the county of Montgomery, and eastward to the east bounds of the county of Clinton, easterly by the east bounds of the county of Clinton, and westerly by the county of Montgomery, shall be, and hereby is erected into a town by the name of Willborough.

And that all that part of the county of Clinton, bounded on the south by the town of Willborough, on the north by the north line of a patent granted to William Beekman and others, continued westward to the county of Montgomery, and eastward to the east bounds of the county of Clinton, easterly by the east bounds of the county of Clinton, and westerly by the county of Montgomery, shall be, and hereby is erected into a town by the name of Plattsburgh.

And that all that part of the county of Clinton, laying to the northward of the town of Plattsburgh, south of the north bounds of this state, west of the east bounds of the county of Clinton, and east of the county of Montgomery, shall be, and hereby is erected into a town by the name of Champlain.

And that all that part of the county of Montgomery, <sup>Altered, 14th sess. ch. 10.</sup> bounded northerly by the north bounds of this state, easterly by the counties of Clinton, Washington and Albany, southerly by the Mohawk-River, and westerly by a line running from the hill, called Anthony's-Nose, north to the north bounds of this state, shall be, and hereby is erected into a town by the name of Caughnawaga.

And that all that part of the said county of Montgomery, <sup>Altered, 14th sess. ch. 10.</sup> bounded northerly by the north bounds of this state, easterly by Caughnawaga, southerly by the Mohawk-River, and westerly by a line running from the Little Falls in the Mohawk-River, north to the north bounds of this state, shall be, and hereby is erected into a town by the name of Palatine.



Altered,  
14th sess. ch. 10.

And that all that part of the said county of Montgomery, bounded northerly by the north bounds of this state, easterly by Palatine, southerly by the Mohawk-River, and westerly by a north and south line running across the Mohawk-River at the fording-place near the house of William Cunningham, leaving the same house to the west of the same line, shall be, and hereby is erected into a town by the name of Herkemer.

And that all that part of the said county of Montgomery, bounded northerly by the Mohawk-River, easterly and southerly by the county of Albany, and westerly by a line running from the hill called Anthony's-Nose, south until it strikes the county of Albany, shall be, and hereby is erected into a town by the name of Mohawk.

Altered,  
14th sess. ch. 10.

And that all that part of the said county of Montgomery, between the Cookquago-Branch of Delaware-River, and the branch of the Susquehanna-River called Adigitange, beginning at a rock-maple tree, marked on four sides with a blaze and three notches, and with the letters and figures A. C. 1768, standing on a high point of land at the south side of a small lake, called by the Indians, Utsayantho, from whence the said Branch of the Delaware, called by the Indians, Cookquago, issues, and running from thence north thirty degrees west to the said Adigitange, and thence down the same and the Susquehanna to the bounds of Pennsylvania, and east along the same to the river Delaware, and then up the same river to the place of beginning, shall be, and hereby is erected into a town by the name of Harpersfield.

Altered,  
14th sess. ch. 10.

And that all that part of the said county of Montgomery, beginning at the head water of the Lake-Otsego, in the patent commonly called the Otsego-Patent, granted to George Croghan and others, and running from thence along the northerly bounds of the said patent to the north-west corner thereof, thence extending westerly to the river Tienaderha, so as to include the patent granted to William and Robert Edmiston, thence down the said river to its junction with the Susquehanna-River, and then up the said river to the place of beginning, shall be, and hereby is erected into a town by the name of Otsego.

Divided,  
14th sess. ch. 10.

And that all that part of the said county of Montgomery, bounded northerly by the Mohawk River, easterly by the town of Mohawk, and the county of Albany, southerly by Harpersfield, and westerly by the River Susquehanna and the lake Otsego, and a line from the head water thereof to the Little-Falls in the Mohawk-River, shall be, and hereby is erected into a town by the name of Canajoharie.

Altered,  
14th sess. ch. 10.

And that all that part of the said county of Montgomery, bounded northerly by the Mohawk-River, easterly by Canajoharie, southerly by Otsego, and westerly by the western line of the town of Herkemer, continued south to the said town of Otsego, shall be, and hereby is erected into a town by the name of German-Flatts.

See 11th sess. ch. 95.  
sec. 29.  
14th sess. ch. 10.

And that all the remaining part of the said county of Montgomery, shall be, and hereby is erected into a town by the name of White's-Town.

Boundaries of said towns not to affect the rights of individuals or bodies politic.

II. *And be it further enabled by the authority aforesaid,* That none of the bounds or lines, by this act assigned for the limits of any or either of the said towns, shall be deemed to take away, abridge, destroy or affect the right or title of

any person or persons, bodies politic or corporate, in any manner or by any means whatsoever, nor be deemed, taken or construed as a confirmation of the bounds or the rights of any patent or patents whatsoever.

III. *And be it further enabled by the authority aforesaid,* That where any line of any of the said towns shall intersect a farm, the possessor of such farm shall pay all his taxes for such farm in the town where his dwelling-house shall be.

IV. *And be it further enabled by the authority aforesaid,* That the inhabitants of South-Hempstead shall have and enjoy the right of oystering, fishing and clamming in the creeks, bays and harbours of North-Hempstead, and the inhabitants of North-Hempstead shall have and enjoy the like rights and privileges in the creeks, bays and harbours of South-Hempstead.

V. *And be it further enabled by the authority aforesaid,* That the poor now belonging to the precinct of Goshen, and all persons now entitled to a settlement therein, and who shall become poor, shall be supported and maintained at the joint expence of the said towns of Goshen, Warwick and Minisink, in the same proportion as the necessary and contingent charges of the county shall, from time to time, be laid upon the same towns respectively; and that all the bridges which are now by law directed to be made and maintained at the joint expence of the inhabitants of the precincts of Goshen and Cornwall, shall continue to be made, repaired and maintained by the inhabitants of the said towns of New-Cornwall, Goshen, Warwick and Minisink, in the same manner as if this act had not been made.

VI. *And be it further enabled by the authority aforesaid,* That such poor persons as are now maintained by the inhabitants of the manor of Cortlandt and manor of Philipburgh, shall be distributed within twenty days after this act shall take effect; those of the said manor of Cortlandt, to and among the towns of Cortlandt, York-Town and Stephen-Town; and those of Philipburgh, to and among the towns of Greenburgh and Mount-Pleasant, in such equitable manner as Ebenezer Purdy, Jonathan G. Tompkins and Ebenezer Lockwood, or any two of them, shall, by writing under their hands, or the hands of any two of them, order and direct; and that after such distribution, the inhabitants of the said towns shall respectively maintain such of the said poor persons as shall be so as aforesaid to them respectively assigned; and that until such distribution shall be so as aforesaid made, the said poor persons shall be kept and maintained in the same manner as if this act had never been made.

VII. *And be it further enabled by the authority aforesaid,* That the freeholders and inhabitants of each and every of the said towns for the time being respectively, who are or shall be qualified by law to vote at town-meetings, shall forever hereafter, have full power and authority, and they are hereby directed and required to assemble together and hold town-meetings in their respective towns, on the first Tuesday in April in every year, and then and there to elect and chuse one supervisor, one town-clerk, not less than three nor more than seven assessors, one or more collectors, each of whom shall be liable only for the monies which they are respectively directed to collect in such parts of the town as shall be assigned to them by the supervisor, two overseers of the poor, and three commissioners of highways for the same town, each of whom shall be a freeholder and inhabitant of the same town, and so many constables, overseers of the highways, fence-viewers and pound-masters for the same town, being inhabitants of the same town, as to

Freeholders and inhabitants to hold town meetings on the first Tuesday in April every year, and then chuse town officers.

the freeholders and inhabitants of said town so met, or the major part of them, shall seem necessary and convenient; which said several officers shall hold their respective offices for one year, and until others shall be chosen in their places. And in case any of the officers so chosen in any such town, shall refuse to serve, or die, or remove out of the town, or become incapable of serving before the next annual town-meeting, then, and in every such case, it shall and may be lawful to and for the freeholders and inhabitants of such town from time to time, when it shall be necessary, to elect and chuse another or others in the room of such of them so refusing to serve, or dying, removing or becoming incapable of serving, and to assemble together and hold town-meetings for that purpose. And the town-clerk of each town respectively, upon notice of any such refusal, removal, incapacity or death, or in case of any vacancy of the office of town-clerk, then any justice of the peace in the same county, upon notice thereof and request to him by any freeholder of the same town, is hereby required to give notice, in the manner herein after mentioned, of a town-meeting in the same town for the purpose aforesaid.

*VIII. And be it further enacted by the authority aforesaid,* That the first town-meeting in each of the said towns after this act shall take effect, shall be held at the place in each respective town where such meeting in the same district ought to have been held, if this act had not been made, and where there is no such place, or more than one such place in any town, then at such place as the justices of the peace residing in such town, or the major part of them, shall direct and appoint. And that all town-meetings thereafter to be held in each respective town, shall be held at such place in each town respectively, as the freeholders and inhabitants of such town, at their town-meeting, shall, from time to time, direct and appoint.

*IX. And be it further enacted by the authority aforesaid,* That the freeholders and inhabitants of the city of Albany, shall and may, and they are hereby required, yearly and every year, on the first Tuesday in May, to elect and chuse one supervisor, two assessors, one collector, and one overseer of the poor, being freeholders and inhabitants of the said city, and two constables, being inhabitants of the same city, in each of the wards of the said city. And further, That the freemen of the city of Hudson, being inhabitants thereof, shall and may, and they are hereby required, yearly and every year, at their annual election of officers within the said city of Hudson, to elect and chuse one supervisor, and such number of assessors, collectors, constables and overseers of the poor of the same city, as the common council for the same city shall, from time to time, deem necessary, and direct to be chosen.

*X. And be it further enacted by the authority aforesaid,* That if any or either of the said cities, towns or places, shall neglect to chuse such officers as aforesaid, or any or either of them, or in case any or either of the officers so chosen in and for any city, town or place aforesaid, shall refuse to serve, or die, or remove out of the city, town or place for which he shall be chosen, or become incapable of serving before the next annual town-meeting or election after he shall be chosen, and the city, town or place, for which he was chosen, shall not, within fifteen days next after such refusal, death, removal or incapacity happens, chuse another in the room of such person so refusing to serve, or dying, or removing, or becoming inca-

When any cities or towns neglect to chuse their officers, three justices of the peace may appoint them by warrant.

pable of serving, then, and in every such case, it shall and may be lawful for any three of the justices of the peace in the same county, residing in such city, or in or near to such town, and they are hereby required to nominate, and by warrant under their hands and seals, to appoint all and every such officers as aforesaid, as the freeholders and inhabitants of the same city, town or place, ought to have chosen as aforesaid; and each and every of the said officers so appointed, shall hold his office for so long time, and have the same powers, and be liable to the same penalties, as if he had been elected to the same office by the freeholders and inhabitants of such city, town or place.

*XI. And be it further enacted by the authority aforesaid, That each and every supervisor, town-clerk, assessor, commissioner of highways, overseer of the poor and constable, hereafter to be elected or appointed, shall, before he enters upon the execution of his office, and within eight days after such election or appointment, take and subscribe an oath before some justice of the peace, in the form herein after prescribed for such officers respectively to take; that is to say, Every supervisor shall take and subscribe an oath in the following form, to wit:*

**I** do solemnly and sincerely promise and swear, That I will in all things, to the best of my knowledge and ability, faithfully and impartially execute and perform the trust reposed in me as supervisor of the (here insert the name of the place) in the county of (here insert the name of the county) and that I will not pass any account, or any article thereof, wherewith I shall think the said county is not justly chargeable, nor will I disallow any account, or any article thereof, wherewith I shall think the said county is justly chargeable.

And every town-clerk shall take and subscribe an oath in the following form, to wit:

**I** do solemnly and sincerely promise and swear, That I will faithfully and honestly keep all the books, records, writings and papers, by virtue of my said office of town-clerk committed, and which shall from time to time be committed unto me; and in all things, to the best of my knowledge and understanding, well and faithfully perform the duties of my said office of town-clerk, without favour or partiality.

And every assessor shall take and subscribe an oath in the following form, to wit:

**I** do solemnly and sincerely promise and swear, That I will honestly and impartially assess the several persons and estates within the (here insert the name of the place) in the county of (here insert the name of the county) and that in making such assessments I will, to the best of my knowledge and judgment, observe the directions of the several laws of this state directing and requiring such assessments to be made.

And every commissioner of highways shall take and subscribe an oath in the following form, to wit:

**I** do solemnly and sincerely promise and swear, That I will in all things, to the best of my knowledge and understanding, well and faithfully execute the trust reposed in me as a commissioner of highways for (here insert the name of the town and county) without favour or partiality.

And every overseer of the poor and constable shall take and subscribe an oath in the following form, to wit :

**I** do solemnly and sincerely promise and swear, That I will in all things, to the best of my knowledge, understanding and ability, well and faithfully execute and perform the trust reposed in me as an overseer of the poor, or constable (as the case may be) of the (here insert the name of the place) in the county of (here insert the name of the county.)

And further, That every justice of the peace before whom such oath shall be taken and subscribed as aforesaid, shall, without fee or reward, certify under the same writing, the day and year when the same oath was taken, and subscribe his name thereto, and then deliver the same writing to the person taking the same oath, who shall, within eight days thereafter, transmit or deliver the same to the clerk of the town for which such officer so taking such oath was elected or appointed. And if any supervisor, assessor, commissioner of highways, overseer of the poor or constable of any town, shall not take and subscribe such oath as aforesaid, and transmit or deliver the same to the town-clerk as aforesaid, within the time hereby limited ; or if any collector or constable shall not give such security as is by law required, within the time for that purpose limited ; then, and in every such case, such neglect shall be deemed a refusal to serve in such office ; and the town in which such officer was chosen, may thereupon proceed to a new choice.

*XII. And be it further enacted by the authority aforesaid,*

Any person chosen or appointed supervisor, town-clerk, assessor, collector, commissioner of highways, overseer of the poor, or constable, refusing to serve, to forfeit 25l.

That if any person hereafter chosen or appointed a supervisor, town-clerk, assessor, collector, commissioner of highways, overseer of the poor or constable, as aforesaid, shall refuse to take upon him, or to serve in such office, or if any such supervisor, town-clerk, assessor, commissioner of highways or overseer of the poor, shall proceed in the execution of such office before he shall have taken and subscribed such oath as aforesaid, or if any such collector or constable shall proceed in the execution of his office before he shall have given such security as is or shall be required by law, then, and in every such case, every person so neglecting, or refusing, or doing, shall forfeit to the people of this state the sum of twenty-five pounds, to be recovered by action of debt, bill, plaint or information, in any court of record ; and the attorney-general of this state for the time being, is hereby directed and required to sue and prosecute for all such penalties and forfeitures, and to pay the same when recovered to the treasurer of this state, for the use of the people of this state. And in every such action, suit or information, it shall be sufficient to set forth, that the defendant, at a certain time and place, became indebted to the people of the state of New-York in the sum of twenty-five pounds, as a forfeiture incurred, by reason that the defendant having been elected or appointed (as the case may be) a supervisor, town-clerk, assessor, collector, commissioner of highways, overseer of the poor or constable, as the case may be, did refuse to take upon him, and to serve in his said office, or did proceed in the execution of his said office, without taking and subscribing the oath by law required, or without giving the security by law required, as the case may be, contrary to the form of the Act for dividing the counties of this state into towns, to be paid to the people of the state of New-York aforesaid, when he should be thereunto afterwards required, and to give the special matter in evidence.

Any person chosen or appointed an overseer of the highways, fence-viewer or pound-master, refusing to serve, to forfeit \$1.

XIII. *And be it further enacted by the authority aforesaid,* That if any person hereafter chosen or appointed an overseer of the highways, fence-viewer or pound-master, shall neglect or refuse to take upon him the said office, then, and in every such case, such person so neglecting or refusing, shall forfeit and pay the sum of five pounds, to be recovered with costs, before any justice of the peace, by action of debt; the one moiety thereof to the use of the poor of the town for which such officer was chosen or appointed, and the other moiety thereof, with the costs of suit, to the use of any person who shall prosecute for the same to effect.

XIV. *And be it further enacted by the authority aforesaid,* That upon the death or expiration of the office of the town-clerk of any town, all the records, books, writings and papers, belonging to the same office, shall be delivered to the successor in office, upon the oath of the preceding town-clerk, or in case of his death, upon the oath of his executors or administrators; and if any such preceding town-clerk, or his executors or administrators, shall refuse or neglect to deliver the same upon oath as aforesaid, being lawfully demanded, every such person shall forfeit to the people of this state, for every such refusal or neglect, the sum of one hundred pounds, to be recovered by action of debt, bill, plaint or information, in any court of record; and the attorney-general of this state for the time being, is hereby directed and required to sue for such forfeiture, and to pay the same, when recovered, to the treasurer of this state, for the use of the people of this state. And in every such action, suit or information, it shall be sufficient to set forth that the defendant, on the day such demand was made, became indebted to the people of the state of New-York, in the sum of one hundred pounds, as a forfeiture incurred, by reason that the defendant did neglect and refuse to deliver to the succeeding town-clerk, the records, books, writings and papers belonging to the same office, contrary to the form of the Act for dividing the counties of this state into towns, to be paid to the people of the state of New-York when he should be thereunto required, and to give the special matter in evidence.

XV. *And be it further enacted by the authority aforesaid,* That the freeholders and inhabitants of each and every of the said towns shall be, and are hereby authorized and empowered, at their respective annual town-meetings, or at any other town-meeting held for that purpose in their respective towns, from time to time, to make, establish, constitute and ordain, such prudential rules, orders and regulations, as the majority of the freeholders and inhabitants of such towns respectively, so assembled at their respective town-meetings, and having a right to vote there, shall, from time to time judge necessary and convenient, for the better improving of their common lands in tillage, pasturage or any other reasonable way; and for making, maintaining and amending their partition and circular fences, for their lands, gardens, orchards and meadows; and for ascertaining and directing the use and management, and the times and manner of using their common lands and meadows, and other commons; and the times, places and manner of permitting or preventing cattle, horses, sheep and swine, or any of them, to go at large; and for impounding all manner of cattle and creatures whatsoever; and for ascertaining the sufficiency of all partition, and other fences; and for making and maintaining such and so many pounds, and at such places as may be necessary and convenient; and for ascertaining

and limiting the fees to be taken by the fence-viewers respectively; and to impose such penalties on the offenders against such rules, orders and regulations, or any or either of them, as the majority of such freeholders and inhabitants so assembled, shall from time to time deem proper, not exceeding five pounds for each offence; to be recovered with costs of suit, by the supervisor for the time being of the town where the offence shall be committed, in the name of the supervisor of such town, for the use of the same town, by action of debt, before any justice of the peace residing in any other town in the same county. And no such action shall be abated or discontinued by the death or expiration of the office of such supervisor, but may be continued and prosecuted to effect by his successor in office. And all such penalties, when recovered, shall be applied and disposed of for the use of the town where such offence shall be committed, in such manner and for such purposes, as the freeholders and inhabitants of the same town where such offence shall be committed, at their town-meetings, or the majority of them there assembled, shall, from time to time, direct and appoint. And further, That all such rules, orders and regulations, so to be made as aforesaid in each town, shall be entered and recorded by the town-clerk of the same town, in a book by him to be provided for that purpose, and shall remain and be in full force until the same shall be revoked or altered, or new made in the manner aforesaid, at some subsequent town-meeting; all which alterations and new rules, orders and regulations, shall also, from time to time, be entered and recorded as aforesaid, and shall continue and be in force until revoked, altered or new made, as aforesaid.

*XVI. And be it further enacted by the authority aforesaid,*  
Freeholders and inhabitants, at their town-meetings, may make provision for destroying noxious wild animals; That it shall and may be lawful for the freeholders and inhabitants of each and every of the said towns, at their respective annual town-meetings, or at any other town-meeting held for that purpose, to make such provisions, and allow such rewards, for the destruction of wolves, wild-cats, foxes, crows, black-birds, and other noxious wild animals and birds; and to direct such sum of money to be raised in such town for that purpose, and for prosecuting or defending the common rights of such town, as the major part of the said freeholders and inhabitants so assembled at any such town-meeting shall deem necessary and proper; which money shall be raised and levied, together with and in the same manner as the money raised in such town for the support of the poor, shall be raised and levied.

And direct money to be raised for that purpose, and for prosecuting or defending their common rights.

*XVII. And be it further enacted by the authority aforesaid,*  
Special town-meetings to be notified by the town-clerk eight days before hand. That whenever it shall be necessary to hold a town-meeting in either of the said towns for any of the purposes aforesaid, at any time between any of the said annual town-meetings, due notice thereof shall be given by the town-clerk, in writing under his hand, specifying the time, place and purposes of such town-meeting, and fixed up at four or more of the most public places in the same town, at least eight days before the time therein appointed for holding such town-meeting.

And the town clerk of each of the said towns, is hereby directed and required to give such notice whenever it shall be necessary to hold such town-meeting, for electing any of the officers aforesaid, in such town, or he shall be required to do so by any twelve or more freeholders of such town.

Where lands of two or more persons join, division fence how to be made, and disputes to be settled by the fence-viewers.

XVIII. *And be it further enacted by the authority aforesaid,*

That where the lands or meadow of any two or more persons shall join each other, each of them shall make and maintain a just proportion of the division or partition fence, between them, except such persons as shall chuse to let their lands or meadows lay vacant and open, and in case any disputes shall arise concerning the part or proportion of the fence to be made and maintained by either party, the same shall be settled by the fence-viewers of such place where such lands or meadow shall be situated, or any two of them, whose decision shall be conclusive; and if any person shall neglect or refuse to make and maintain his or her part or proportion of such fence, or shall permit the same to be out of repair, every such person shall be liable to, and shall pay all and every such damages as shall accrue to his or her neighbour or neighbours thereby, to be appraised and ascertained by the fence-viewers of the same place, or any two of them, not interested therein, being first sworn well and truly, and without any favour or partiality, to appraise and ascertain the true and real value of such damages, according to the best of their knowledge, skill and judgment; and to be recovered with costs, in any court having cognizance of the same. And in case the party so neglecting or refusing, shall continue such neglect or refusal for the space of one month after notice and request to make or repair such fence, then, and in every such case, it shall be lawful for the party injured or aggrieved thereby, to make or repair all the said fence at the expence of the party so neglecting or refusing, to be recovered with costs of suit, in any court having cognizance of the same.

Any person may throw open his land for common feeding upon giving three months notice.

And in case any person or persons who shall have made his, her or their proportion of any such fence, shall conclude or be disposed to throw up his, her or their said lands or meadow, for common feeding, or to let the same lay open, he,

she or they shall give three months notice thereof to the person or persons in possession of the lands or meadow adjoining, and if such fence shall be removed without giving such notice, or before the expiration of the said three months, then, and in every such case, the person or persons so removing or causing such fence to be removed, shall be liable to make good all such damages, as the party injured and aggrieved by such removal, shall sustain thereby, to be recovered as aforesaid, with costs.

XIX. And whereas in some parts of this state, the fences inclosing meadow and low land, are frequently injured, destroyed or carried away by floods and high tides, which generally happen in the spring of the year, and the owners of such meadow or low land lose a great part of the profits thereof for the whole year, unless the said fence be speedily repaired or new made;

Fences inclosing low land and meadow, which may be carried away or injured by floods, how to be repaired.

*Therefore, Be it further enacted by the authority aforesaid,*

That in all cases where any such partition fence shall be so injured, destroyed or carried away, every person who ought by law to make or repair the same, shall make or repair the same, or his or her just proportion thereof, within ten days after he or she shall be thereunto required by any person interested therein; and if any person shall refuse or neglect to make or repair his or her proportion of such fence, for the space of ten days after such request as aforesaid, then, and in every such case, it shall be lawful for the party injured or aggrieved thereby, to make or repair all the said fence, at the expence of the party so neglecting or refusing, and he or she shall and may recover the same, with costs, in any court having cognizance thereof.



Where distress is made of any beasts doing damage, how the damage is to be ascertained.

XX. *And be it further enabled by the authority aforesaid,* That when any distress shall be made of any beasts doing damage, the person distraining shall, as soon as conveniently may be, and within twenty-four hours thereafter, make application to the two nearest fence-viewers in the same town, to appraise and ascertain the damage, who shall immediately thereupon go to the place where such damage shall be committed, and view the damage done, and appraise, ascertain and certify under their hands, the amount thereof, with their fees for the same, being first sworn well and truly, and without any favour or partiality, to appraise the true and real amount of such damage, according to the best of their knowledge, skill and judgment; and if any dispute shall arise concerning the sufficiency of the fence, it shall be determined by the same fence-viewers, whose decision shall be conclusive; and the person making the distress, shall, as soon as he shall think proper, and within forty-eight hours after making such distress, unless the damage shall be sooner paid, cause the beasts so distrained to be put in the nearest pound in the same county, where they shall remain until the sum so certified by the fence-viewers, with the fees of the pound-master, shall be paid, or the beasts so impounded be replevied.

Common council of New-York, Albany & Hudson to make rules relating to fences in their several cities.

XXI. *And be it further enabled by the authority aforesaid,* That it shall and may be lawful for the common council for the time being, of the respective cities of New-York, Albany and Hudson, to make such orders, rules, and regulations for the making, amending, and maintaining the fences in the said cities respectively, as well partition fences as others, as they shall from time to time judge most proper and convenient.

One sufficient pound to be kept in each city and town, and keepers thereof to be appointed.

XXII. *And be it further enabled by the authority aforesaid,* That there shall be made and kept one good and sufficient pound in each city and town of this state, and that it shall and may be lawful for the common council of the respective cities of New-York, Albany and Hudson, from time to time, to appoint keepers of the pounds in their respective cities, who shall respectively hold their offices during the pleasure of the said common council, and that the said respective keepers of the said pounds and the respective pound-masters in each respective town, shall and may have, receive and take for all beasts that shall be put into the pound of which he is keeper or master, the following fees, to wit: For taking in and discharging every horse, gelding, mare or colt, and all neat cattle, one shilling each, and for every sheep or lamb, three pence, and for every hog, shoat or pig, six pence; which fees shall be paid to the said keeper or pound-master, by the owner or owners of the beasts impounded, or some person or persons for him, her or them, before the said beasts shall be released or discharged from such pound, unless the keeper or master of such pound, shall otherwise agree concerning the same. And if the owner of any beasts impounded for doing damage, shall not pay the damage and the fees of the keeper or master of the pound, with reasonable charges for keeping and feeding them, not exceeding three pence for each beast for every twenty-four hours each such beast shall be impounded and fed, within six days after such beasts shall be impounded, or replevy the same beasts, then it shall and may be lawful for such keeper or master of such pound, to sell such beasts at public vendue, giving at least forty-eight hours previous notice of such sale, by advertisement, to be set up at the said pound, and at the nearest public place to the said pound, and out of the

monies arising from such sale, to pay the said damage, and retain in his hands his fees and charges of feeding and keeping the same beasts, and of such sale, and return the overplus to the owner of the same beasts; and if no such owner shall appear and claim such overplus within six calendar months after such sale, the same shall be paid to the overseers of the poor of the city or town where such beasts were impounded, for the use of the poor of such city or town.

XXIII. *And be it further enacted by the authority aforesaid, That this act shall take effect and be in force from and after the first day of April, in the year of our Lord one thousand seven hundred and eighty-nine, except with respect to the county of Westchester, and that with respect to the said county it shall take effect within twenty days after the passing thereof.*

## C H A P. LXV.

*An ACT for defraying the public and necessary Charge in the respective Counties of this State.*

Passed 7th March, 1788.

**I. B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

Assessors of each city and town yearly, to enquire into the value of the estates of the freeholders and inhabitants, and make a list of their names.

And opposite first name to set down the

value of each person's estate.

That the assessors of each respective city, town and place, in every county of this state, shall yearly and every year, as soon as conveniently may be after they are chosen and qualified, proceed to enquire into the value of the real and personal estate of every freeholder and inhabitant within the city, town or place, whereof they are assessors; and shall make out a true and exact list of the names of all the freeholders and inhabitants of the respective cities, towns and places, for which they shall be chosen assessors; and of such who have estates therein, and do not reside there; and opposite to the name of every such person shall set down the real value of all his, or her whole estate, real and personal in the same city town or place, as near as they can discover the same, and shall set down the value of the real estate of each person as aforesaid, in one column, and the value of the personal estate of each person as aforesaid, in another column of the same list or assessment, leaving room sufficient opposite thereto to insert the sum each person is to pay; and shall complete and deliver the same list or assessment, signed by such assessors, or the major part of them, to the supervisors of the county in which such city, town or place is or shall be situated, or their clerk, on or before the last Tuesday in May next after their election, yearly and every year; and if any assessor shall refuse or neglect to perform the duty hereby required of him, every assessor so refusing or neglecting, shall forfeit and pay for every such offence, the sum of twenty-five pounds, to be sued for and recovered for the use of the county where such offence shall be committed, with costs, in any court of record, by action of debt, bill, plaint or information, and in the name of the supervisors of the same county; and in every such action, suit or information, it shall be sufficient for the plaintiffs to set forth, that the defendant at a certain time and place became indebted to the supervisors of the said county, in the said sum of twenty-five pounds, as a forfeiture incurred for refusing and neglecting to perform the duty required of him by virtue of an act, entitled, An act for defraying the public and necessary charge

in the respective counties of this state, to be paid to the supervisors of the said county, when he should be thereunto required, and to give the special matter in evidence : And all such penalties, when recovered, shall be applied to the use of the county where the offence was committed, in such manner, and for such purposes as the supervisors of the same county for the time being, shall direct and appoint.

II. *And be it further enacted by the authority aforesaid,*

Supervisors to meet monthly to examine and allow the accounts of their county, and determine what sum must be raised to pay the same.

That the supervisors of each city, town and place, in each of the respective counties of this state, shall yearly, on the last Tuesday of May in every year, meet together at the court-house of the same county, and at such other time or times, and place or places, as they shall find and judge necessary and convenient, and examine, oversee, settle and allow all such accounts as the same county is or shall be chargeable with ; and examine, compute and ascertain what sum of money ought to be raised in the same county in that year, for the payment of such accounts, and for defraying the public and necessary contingent charges of the same county ; and shall add to the same, all such other sum and sums of money, as are or shall be imposed or laid on the same county by any law of this state, and to be raised in that year in the same county, and shall then fix and ascertain by such ways, and in such manner as they shall judge to be just and equitable, what proportion or how much of such whole sum then to be raised in the same county, ought to be raised and paid by each city, town and place in the same county ; and shall then add to the sum so to be raised and paid by each city, town and place in the same county, the sum to be raised in that year, by the same city, town or place, for the maintenance and support of the poor of the same city, town or place ; and shall thereupon cause a computation to be made what each pound of the sum total of the valuation of the estates in each city, town and place, ought to pay of the sum so to be raised in the same city, town or place, and cause the sum to be paid by each person to be inserted in the same lists or assessments opposite to his or her name ; and shall then, and before the first day of September, in every year transmit the list or assessment of each city, town and place, so completed, to the collector of the same city, town or place, with a warrant under their hands and seals thereto annexed, commanding the same collector to collect of and from all and every the person and persons named in the said list or assessment, the several and respective sums mentioned and contained in the last column of the said list or assessment, and opposite to their respective names, and to pay such part thereof as shall be raised for the maintenance and support of the poor of the same city, town or place, to the overseers of the poor of the same city, town or place, and the residue thereof to the treasurer of the county in which such city, town or place is situated, on or before the first Tuesday of February then next. And in case any person or persons shall refuse or neglect to pay the sums at which his, her or their estate or estates shall be rated or taxed as aforesaid, the collector to whom the same ought to be paid, shall be, and hereby is authorized and required to levy the same, by distress and sale of the goods and chattels of the person or persons who ought to pay the same ; and if the goods and chattels so distrained shall be sold for more than the amount of such tax, and the charges of the distress and sale, the overplus shall be returned to the owner of such goods and chattels ; and that a clause for this purpose shall be inserted in every such warrant so to be sent to the respective collectors.

# L A W S O F N E W - Y O R K , Eleventh Session.

Persons in possession of real estate liable the tax for the and collector sell timber, or grass.

III. *And be it further enacted by the authority aforesaid* That the person in possession of any real estate, at the time any tax is to be collected, shall be liable to pay the tax imposed on such real estate; and in case any other person by agreement or otherwise, ought to pay such tax, the possessor who shall pay the same, shall and may recover the amount thereof from the person who it to have paid the same. And further, That where any land, meadow or real estate is or shall be taxed, and no goods or chattels shall be found thereon, whereof sufficient distress can be made for the said tax, then and in every such case, it shall and may be lawful for the collector, who ought to collect the same tax, and he is hereby authorised and required to sell at public vendue, giving at least six days previous notice of such sale, by advertisement to be put up at two or more public places in the same town, for so much of the timber, wood or grass, growing or being thereon, as shall be sufficient to pay the said tax, with the charges of such advertisement and sale; and it shall and may be lawful to and for the purchaser, his executors, administrators and assigns, at any time within six months after such sale, to cut upon such lands, meadow or real estate, and to cut, take and carry away such timber, wood and grass, or in case such grass cannot be cut and made into hay, then to use the same grass for pasture. Provided always, that when it shall become necessary to sell timber or wood for the obtaining of the said tax, six weeks notice, in manner aforesaid, shall be given by the collector; and every such collector is hereby directed and required to pay the first monies he shall collect and receive: And if any such collector shall neglect or refuse to pay the same, by the time in such warrant mentioned, it shall and may be lawful for the overseers of the poor to whom the same debt is to be paid, or their successors in office, to recover the same with costs suit, in any court of record, against such collector, his heirs, executors or administrators, in an action of debt in the name of the overseers of the poor of the city, or town, for which they are or shall be chosen: And it shall be sufficient for the plaintiff to set forth in the declaration, in any such suit or action, that such collector, at the time he ought to have paid the said monies, became indebted to the overseers of the poor of the city or town mentioned in such warrant, in the sum thereby directed to be paid to them, by virtue of an act, entitled, An act for defraying the public and necessary expenses in the respective counties of this state; to be paid to the overseers of the poor of the city or town aforesaid, when he should be thereunto required and to give the special matter in evidence: And no such suit or action shall be abated or discontinued by the death or by the expiration of the office of such overseers of the poor, or any or either of them, but the same shall or may be continued and prosecuted to effect, by the survivors and successors in office of the same overseers. And if any collector shall neglect or refuse to pay to the county treasurer, the money directed by any such warrant to be paid to him, by the time mentioned in such warrant, then and in every such case, the treasurer of the same county for the time being, is hereby authorised and required to issue a warrant under his hand and seal, directed to the sheriff of the county, commanding him to levy the same, or if a part is so much as such collector shall be deficient, of the lands and tenements, goods and chattels of such collector: And if the lands and tenements, goods and chattels of such collector, shall not be sufficient to pay the whole sum directed to be levied, then to take such collector and confine him in the

common gaol of the same county, without bail or mainprife, there to remain until the deficiency shall be paid ; and every sheriff to whom any such warrant shall be directed and delivered, shall immediately cause the same to be executed, and shall, within thirty days after receiving such warrant, make return thereof to the treasurer of the same county, and pay to him the monies levied by virtue thereof, deducting for his fees six-pence in the pound upon the sum so levied, and no more. But in all cases

Where no goods can be found whereon to levy, collector not to be charged with such deficiency.

Collector to deliver an account of such deficiency to county treasurer,

And to be accountable for the whole in case of neglect.

where no goods or chattels can be found whereon to levy the tax imposed upon any person mentioned in any such tax list or assessment, or not sufficient to pay the whole, the collector shall not be charged with more than he shall or might have levied or received. And every collector is hereby directed and required to deliver a true account, upon oath, of all such deficiencies to the county treasurer, at the time he is or shall be directed to make such payment to such county treasurer ; and if any collector shall neglect or refuse to deliver such account, such collector shall be accountable for the whole sum by him to be collected ; and the county treasurer shall deliver all such accounts of deficiencies to the supervisors of the same county, at their next meeting, after he shall have received the same ; and each collector shall have and retain for his service out of the monies by him collected, one shilling for every twenty shillings he shall collect, and no more.

IV. *And he is further enabled by the authority aforesaid,* That it shall and may be lawful for the supervisors of each county respectively, to appoint some suitable and proper person to be their clerk, who shall be called the clerk of the supervisors of the county for which he shall be appointed, and shall hold his office during the pleasure of the supervisors of the same county, and shall have such allowance for his services, as the supervisors of the same county shall, from time to time, think proper to appoint and allow ; and such allowance, and the necessary charges of the supervisors at their respective meetings, shall be considered, raised and levied as part of the public and necessary contingent charge of the same county.

V. *And he is further enabled by the authority aforesaid,* That the supervisors of each county respectively, shall be, and hereby are authorized and required to appoint some reputable freeholder of the same county, to be treasurer of the same county, who shall hold his office during the pleasure of the supervisors of the same county, and shall receive all such monies as shall be raised in the same county, for defraying the public and necessary charge of the same county, or for the use and service of the government of this state. And all such monies as shall come into his hands for defraying the public and necessary charges of the same county, shall be applied and paid by him to such persons, and in such manner as the supervisors of the same county for the time being, shall, by order entered in their books, or by warrant or warrants under their hands and seals, from time to time direct ; and all such monies as shall come into his hands for the use or service of the government of this state, shall be paid by him to the treasurer of this state for the time being, at such times as shall be directed by the laws, by virtue whereof the same monies shall be raised or come into the hands of such county treasurer. And the treasurer of each county shall keep just, true and distinct accounts of the receipts, disbursements and payments of all monies which shall come into his hands, as treasurer of the county, and enter the

same in a book or books to be kept for that purpose, and once in every year, at the annual meeting of the supervisors of the same county, or at such other time as they shall direct, shall bring in and exhibit all such books and accounts, and all the vouchers relating to the same, to them, for their examination and audit thereof: And the treasurer of each county, and the executors and administrators of such treasurer, shall be, and hereby is and are made liable to an action of account to the supervisors of the same county, for all monies which shall come into his hands as treasurer of the same county; and every such treasurer, and his executors and administrators, shall and may plead and discharge himself and themselves, in such manner as other receivers or bailiffs may, can or ought to do by law. And the supervisors of each county for the time being, shall be, and hereby are empowered to sue, prosecute and maintain such actions of account for the use of their county, in the name of the supervisors of the same county. And further, That each county treasurer shall have and retain for his services, three-pence for every twenty shillings which he shall receive and pay, to wit: One-penny half-penny for receiving, and one-penny half-penny for paying.

VI. *And be it further enacted by the authority aforesaid,* That every county treasurer in each respective county, as soon after he shall be appointed as conveniently may be, and before he enter upon the business of his office, shall enter into a bond or obligation, with sufficient security, to the supervisors of the county of which he is appointed treasurer, in such sum as the supervisors of the same county for the time being, shall think proper and direct; with condition, well and faithfully to execute the office of treasurer of the same county, and to pay all such monies as shall come to his hands as treasurer of the same county, according to law; and to render a just and true account thereof to the supervisors of the same county, when thereunto required. And if any treasurer of any county shall not comply with the condition of such bond or obligation, it shall and may be lawful for the supervisors of the same county for the time being, to commence and prosecute an action or actions of debt on such bond, in any court of record, in the name of the supervisors of such county, against the obligors in the same bond, or either of them, or the heirs, executors or administrators of all, or any or either of them. And all monies recovered upon any such bond or obligation, shall be applied towards defraying the public and necessary charge of the same county, in such manner as the supervisors of the same county for the time being, shall direct.

VII. *And be it further enacted by the authority aforesaid,* That the supervisors of each county respectively, shall, <sup>Supervisors yearly, before they ascertain the sum to be raised, to examine what sums remain unpaid of taxes before assessed.</sup> yearly and every year, before they ascertain the amount of the taxes to be raised in the same county in that year, carefully examine what sums remain unpaid of taxes before laid or assessed; and where they find any sum or sums of money on any such tax uncollected, and that the person or persons estate or estates charged with the same, is or are sufficient to pay the same, they shall issue their warrant or warrants under their hands and seals, to the collectors of the respective cities and towns for the time being, where such sums remain unpaid, for the collection thereof: And every collector to whom any such warrant shall be directed, is hereby authorised and required to levy and collect all such sums in such warrant specified, in the same manner, and under the same penalties as he is or shall be authorised and required to levy and collect the taxes for the public and necessary charge of the same county; and shall pay the same

to the treasurer of the same county, at such time as shall be specified in the same warrant. And if any collector shall neglect his duty herein, he shall be chargeable with the amount of the monies directed to be levied and collected: And where the said supervisors shall find that any deficiency of any of the said taxes has happened in any city, town or place, by the insolvency, or the want of goods and chattels whereon to levy the said tax, of any person or persons upon whom the same was charged, or by the insolvency of the collector, or otherwise, they shall add such deficiency to, and cause the same to be raised with and as part of the tax to be laid on the same city, town or place. And in every such case the county treasurer shall credit and apply the first monies he shall receive on such tax, from such city, town or place, to the payment and discharge of such deficiency.

VIII. *And be it further enacted by the authority aforesaid,* That upon the death, resignation or removal from office of any county treasurer, all the books and papers belonging to the same office, shall be delivered to his successor in office, upon the oath of the preceding treasurer, or in case of his death, upon the oath of his executors or administrators; and if any such preceding treasurer, or his executors or administrators, shall refuse or neglect to deliver the same, upon oath as aforesaid, being lawfully demanded, every such person shall forfeit and pay, for every such refusal or neglect, the sum of five hundred pounds, to be recovered with costs of suit, by the supervisors of the same county for the time being, for the use of the same county, in the name of the supervisors of such county, by action of debt, bill, plaint or information in any court of record; and in every such action, suit or information, it shall be sufficient for the plaintiffs to set forth, that the defendant on the day such demand was made, became indebted to the supervisors of such county in the sum of five hundred pounds, as a forfeiture for refusing and neglecting to deliver up the books and papers belonging to the office of treasurer of such county, according to the form of an act, entitled, An act for defraying the public and necessary charge in the respective counties of this state, to be paid to the supervisors of the same county for the time being, when he should be thereunto required, and to give the special matter in evidence.

Majority of the supervisors of a county, to constitute a legal meeting.

IX. *And be it further enacted by the authority aforesaid,* That the major part of the supervisors of any county being met together, at their annual meeting, or at any other meeting of the supervisors of the same county, shall be deemed a legal meeting of the supervisors of the same county, and it shall and may be lawful for such major part of them so met together, and they shall be and hereby are authorized and required to do, execute and perform all and every matter and thing which the supervisors of the same county are by this act authorized or required to do, execute and perform, as fully in every respect, as if all the supervisors of the same county had attended at such meeting; and all questions which may arise at any such meeting shall be determined according to the judgment and opinion of the major part of the supervisors attending at such meeting. And further, That no action or suit to be commenced or prosecuted by the supervisors of any county, by virtue or in pursuance of this act, shall be abated or discontinued, by the death or the expiration of the office of such supervisors, or any or either of them, but shall and may be continued and prosecuted to effect by the survivors and successors in office of the same supervisors.

X. *And be it further enacted by the authority aforesaid,* That every county treasurer shall, yearly, on or before the first day of March in every year, pay

to the treasurer of this state, all such monies as he shall have received for taxes imposed on such county, for the use or service of the government of this state, and deliver to the treasurer of this state an account, on oath, of all such warrants as he shall have issued against any collector or collectors, and for what sums; and in case any county treasurer shall not pay the monies by him received as aforesaid, by the time aforesaid, or shall not deliver such accounts, on oath, to the treasurer of this state as aforesaid, or shall not, in case of default of any collector, issue his warrant as aforesaid, then, and in every such case, it shall and may be lawful for the treasurer of this state, for the time being, and he is hereby authorized, directed and required, to proceed against such county treasurer, in like manner as the county treasurers are, by this act, authorized and required to proceed against delinquent collectors.

*Supervisors for neglect of duty, to forfeit and, to be recovered with costs by the state treasurer.*  
 XI. *And be it further enabled by the authority aforesaid,* That if any supervisor or supervisors, shall neglect or refuse to perform any of the duties required of him or them by this act, every supervisor so neglecting or refusing, shall,

for every such offence, forfeit to the people of this state the sum of one hundred pounds, to be recovered, with costs, in any court of record, by action of debt, bill, plaint or information, by the treasurer of this state, by and in the name of the treasurer of the state of New-York; and in every such action, suit or information, it shall be sufficient for the plaintiff to set forth, that the defendant, at a certain time and place, became indebted to the treasurer of the state of New-York, in the sum of one hundred pounds, as a forfeiture incurred for refusing and neglecting to perform the duties required of him by virtue of an act, entitled, An act for defraying the public and necessary charge in the respective counties of this state, to be paid to the treasurer of the state of New-York for the time being, when he should be thereunto required, and to give the special matter in evidence. And no such action, suit or information, shall be abated or discontinued, by the death of the treasurer, or by his resignation or removal from office, but shall and may be continued and prosecuted to effect, by his successor in office. All which penalties when recovered, shall remain in the treasury of this state, subject to the order of the legislature.

XII. *And be it further enabled by the authority aforesaid,* That this act shall not extend to the city and county of New-York.

XIII. *And be it further enabled by the authority aforesaid,* That this act shall take effect, and be in force from and after the first day of April, which will be in the year of our Lord one thousand seven hundred and eighty-nine,

#### C H A P. LXVI.

*An ACT to enable the Corporation of Trinity Church, in the City of New-York, to assume the Name therein mentioned.*

Passed 10th March, 1788.

**W**HEREAS the corporation of Trinity Church, in the city of New-York, were, by an act of the legislature of the late colony of New-York, passed the twenty-seventh day of June, in the year one thousand seven hundred and four, enabled to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by the name of, The rector and inhabitants of the city of New-York, in communion of the church of England, as by law established. And whereas the said act was repealed by the legislature of this state, on the seventeenth day of April, in the year one thousand seven hundred and eighty-four, but the said corpora-



don have continued to use the name therein specified ; and by their humble petition to the legislature of this state, have prayed that they may be enabled to assume and use the name of, The rector and inhabitants of the city of New-York, in communion of the protestant Episcopal church in the state of New-York : Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That the said corporation, shall and may, from and immediately after the passing of this act, take and use the name of, The rector and inhabitants of the city of New-York, in communion of the protestant Episcopal church in the state of New-York, and by the same name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended ; and that all grants, deeds and conveyances made to, or by the said corporation, between the said seventeenth day of April, in the year one thousand seven hundred and eighty-four, and the passing of this act, wherein they are named or mentioned by the name of, The rector and inhabitants of the city of New-York in communion of the church of England as by law established, or any other name or names, shall be good, valid and effectual in the law, in like manner as they would have been if the said act passed the twenty-seventh day of June, in the year one thousand seven hundred and four, had never been repealed, or as they would respectively have been if the said corporation had been properly named in such grants, deeds or conveyances.

C H A P. LXVII.

*An ACT for the more effectual Collection of Taxes in the City and County of New-York.*

Passed 11th March, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

Assessors of each ward in the city of New-York, yearly, to enquire into the value of the estates of the freeholders and inhabitants, and make a list of their names,

That the assessors of each respective ward in the city of New-York, shall, yearly, between the fifteenth day of May and the first day of July, in every year, proceed to enquire into the value of the real and personal estate of every freeholder, inhabitant and resident within the ward whereof they are assessors, and shall make out a true and exact list of the names of all the freeholders, inhabitants and residents of the respective wards, for which they are or shall be chosen assessors, and of such who have estates therein, and do not reside there ; and opposite to the name of every such person shall set down the real value of all his or her whole estate,

And opposite to the name to set down the value of each persons estate ;

real and personal, in the same ward, as near as they can discover the same ; and shall set down the value of the real estate of each person as aforesaid, in one column, and the value of the personal estate of each person as aforesaid, in another column of the same list or assessment, leaving room sufficient opposite thereto to insert the sum each person is to pay ; and shall complete and

And shall deliver such list to the mayor, recorder and aldermen.

deliver the same list or assessment, signed by such assessors, to the mayor, recorder and aldermen of the said city, or in the clerk's office of the said city, on or before the first Monday in July, yearly and every year ; and if any assessor shall refuse or neglect to perform the duty hereby required of him, every assessor so refusing or neglecting, shall forfeit and pay, for every such offence, the

sum of twenty-five pounds, to be sued for and recovered with costs of suit, for the use of the city and county of New-York, in any court of record, by action of debt, bill or plaint, by and in the name of the treasurer or chamberlain of the said city. And in every such action or suit it shall be sufficient for the plaintiff to set forth, that the defendant at a certain time and place became indebted to the treasurer or chamberlain of the said city in the said sum of twenty-five pounds, as a forfeiture incurred for refusing and neglecting to perform the duty required of him by virtue of an act, entitled, An act for the more effectual collection of taxes in the city and county of New-York, to be paid to the treasurer or chamberlain of the said city, when he should be thereunto required, and to give the special matter in evidence. And no such action or suit shall be abated or discontinued, by the death of the treasurer or chamberlain of the said city, or by his resignation or removal from office; but shall and may be continued and prosecuted to effect, by his successor in office. And all such penalties when recovered, shall be applied to the use of the said city and county, in the manner herein after mentioned.

II. *And be it further enacted by the authority aforesaid,* That the mayor, recorder and aldermen of the said city, shall, yearly on the second Tuesday in July, in every year, meet together at the city-hall of the said city, and at such other times and places, as they shall find and judge necessary and convenient; and examine, compute and ascertain what sum and sums of money is or are imposed or laid on the same city and county, by any law or laws of this state, and to be raised in that year in the same city and county for the maintenance of the poor, and for defraying the other contingent expences arising in the said city and county, or for any other purposes in the said city and county, or for the use or service of the

government of this state; and shall then fix and ascertain, by such ways and in such manner as they shall judge to be just and equitable, what proportion or how much of such whole sum then to be raised in the same city and county ought to be raised and paid by each ward in the same city; and shall thereupon cause a computation to be made, what each pound of the sum total of the valuation of the estates in each ward ought to pay, of the sum so to be raised in the same ward, and cause the sum to be paid by each person to be inserted in the same list or assessment, opposite to his or her name; and shall immediately after the fourteenth day of October in every year cause the list or assessment of each ward, so completed, to be delivered to the collector of the same ward, with a warrant under their hands and seals thereto annexed, commanding the same collector to collect, of and from all and every the person and persons named in the said list or assessment, the several and respective sums mentioned and contained in the last column of the said list or assessment, and opposite to their respective names, and to pay the monies which shall by virtue of such warrant be raised in such respective ward, to the treasurer or chamberlain of the said city, on or before the third Tuesday in February then next. And in case any person or persons shall refuse or neglect to pay the sums at which his, her or their estate or estates shall be rated or taxed as aforesaid, the collector to whom the same ought to be paid, shall be, and hereby is authorized and required to levy the same, by distress and sale of the goods and chattels of the person or persons who ought to pay the

Mayor, recorder and aldermen to meet annually, and ascertain what sums of money are imposed by law on the city and county.

And ascertain what each ward shall pay;

And compute what each pound of the valuation of the estates is to pay, and cause the sum so to be paid by each person to be inserted in the list opposite to his name, and then send the same list to the collector,

With a warrant for collecting the same, and directions how to pay it:

And if any person refuses to pay the sum at which he is taxed, collector to levy the same by distress. same. And if the goods and chattels so distrained shall be sold for more than the amount of such tax, and the charges of the distress and sale, the overplus shall be returned to the owner of such goods and chattels; and that a clause for this purpose shall be inserted in every such warrant, so to be delivered to the respective collectors.

III. *And be it further enacted by the authority aforesaid,* That the person or persons in possession of any house, or other real estate, at the time any tax is to be collected, shall be liable to pay the tax on such house, or other real estate; and in case of non-payment of such tax by the person or persons in possession of such house or other real estate, and in case of want of sufficient goods and chattels on the premises, whereof the same can be levied by distress as aforesaid, that then it shall and may be lawful to and for such collector to require and demand the said tax, of and from the person who shall be named in such list or assessment, as the owner or proprietor of such house or other real estate, in whatsoever ward of the said city he or she may reside; and in case of non-payment thereof, to levy the same by distress and sale of the goods and chattels of such owner, rendering the overplus, if any there be, after deducting such tax and the charges of such distress and sale, to the owner thereof. And in case any other person than the person paying such tax, by agreement or otherwise, ought to pay such tax, the possessor or other person who shall pay the same, shall and may retain or recover the amount thereof, from the person who ought to have paid the same.

IV. *And be it further enacted by the authority aforesaid,* That if the collector of any ward in the said city, shall neglect or refuse to pay the monies by such warrant directed, to be by him collected and paid, by the time in such warrant mentioned, then, and in every such case, the treasurer or chamberlain of the said city, for the time being, is hereby authorised and required, to issue a warrant under his hand and seal, directed to the sheriff of the said city and county, commanding him to levy the same; or if a part is paid, so much as such collector shall be deficient, of the goods and chattels, lands and tenements of such collector; and if the goods and chattels, lands and tenements of such collector, shall not be sufficient to pay the whole sum directed to be levied, then to take such collector, and confine him in the common gaol of the said city and county, without bail or mainprize, there to remain until such tax or the deficiency thereof shall be paid. And every sheriff to whom any such warrant shall be directed and delivered, shall immediately cause the same to be executed, and shall, within thirty days after receiving such warrant, make return thereof to the treasurer or chamberlain of the said city, and pay to him the monies levied by virtue thereof, deducting for his fees, six-pence in the pound upon the sum so levied, and no more. But in all cases where no goods or chattels can be found, whereon to levy the tax imposed upon any person mentioned in any such tax list or assessment, or not sufficient to pay the whole, the collector shall not be charged with more than he shall or might have levied or received. And every collector is hereby directed and required to deliver a true account, upon oath, of all such deficiencies, to the treasurer or chamberlain of the said city, at the time he is or shall be directed to make such payment to the said treasurer or chamberlain: And if any collector shall neglect or refuse to deliver such account, such collector shall be accountable for the whole sum by him to be collected; and the treasurer or chamberlain shall deliver all such accounts of

deficiencies to the mayor, recorder and aldermen of the said city, at their next meeting, after he shall have received the same, or into the clerk's office of the same city: And each collector shall have and retain for his service, out of the monies by him collected, six-pence for every twenty shillings he shall collect, and no more.

*V. And be it further enacted by the authority aforesaid,* That the treasurer or chamberlain of the said city for the time being, shall receive all such monies as shall be raised in the same city and county, for the maintenance of the poor, and for defraying the other contingent expences in the said city and county, or for any other purposes in the said city and county, or for the use or service of the government of this state. And all such monies as shall come into his hands for the maintenance of the poor, and for defraying the other contingent expences in the said city and county, or for any other purposes in the said city and county, shall be disposed of in manner herein after mentioned. And all such monies as shall come into his hands, for the use or service of the government of this state, shall be paid by him to the treasurer of this state for the time being, at such times as shall be directed by the laws, by virtue whereof the same monies shall be raised or come into the hands of the treasurer or chamberlain of the said city. And the said treasurer or chamberlain shall keep just, true and distinct accounts of the receipts, disbursements and payments, of all monies which shall come into his hands, as treasurer or chamberlain of the said city, by virtue of any law of this state, and enter the same in a book or books to be kept for that purpose; and once in every year, between the twenty-ninth day of September and the fourteenth day of October in every year, and at such other times and places as the said mayor, recorder and aldermen shall direct, shall bring in and exhibit all such books and accounts, and all the vouchers relating thereto, to them for their examination and audit thereof. And further, The treasurer or chamberlain of the said city for the time being, and the executors and administrators of such treasurer or chamberlain, shall be, and hereby is and are made liable to an action of account, to the mayor, aldermen and commonalty of the city of New-York, for all monies which shall come into his hands, as treasurer or chamberlain of the said city. And every such treasurer, and his executors and administrators, shall and may plead and discharge himself and themselves, in such manner as other receivers or bailiffs may, can or ought to do, by law; and the mayor, aldermen and commonalty of the said city, shall be, and hereby are empowered to sue, prosecute and maintain such actions of account for the use of the city and county of New-York. And further, Every treasurer or chamberlain of the said city, for the time being, shall have and retain for his services, two pence for every twenty shillings he shall receive and pay, to wit, one penny for receiving, and one penny for paying.

*VI. And be it further enacted by the authority aforesaid,* That every treasurer or chamberlain of the said city for the time being, as soon after he shall be appointed as conveniently may be, and before he enters upon the business of his office, shall enter into a bond or obligation, with sufficient sureties, to the mayor, aldermen and commonalty of the city of New-York, in such sum as the mayor, recorder and aldermen for the time being, shall think proper and direct, with condition, well and faithfully to execute the office of treasurer or chamberlain of the same city, and to pay all such monies as shall come into his hands as treasurer or chamberlain of the said city, by virtue of

any law of this state, according to law; and to render a just and true account thereof to the mayor, recorder and aldermen of the said city, when thereunto required. And if any treasurer or chamberlain of the said city shall not comply with the condition of such bond or obligation, it shall and may be lawful for the mayor, aldermen and commonalty of the said city, to commence and prosecute an action or actions of debt, on such bond, in any court of record, against the obligors in the same bond, or any or either of them, or the heirs, executors or administrators of all, or any or either of them. And all monies recovered upon any such bond or obligation, shall be applied towards defraying the contingent expences of the said city and county, in manner hereafter mentioned.

*VII. And be it further enacted by the authority aforesaid,* That the mayor, recorder and aldermen of the said city for the time being, shall, yearly and every year, before they ascertain the amount of the taxes to be raised in the same city and county in that year, carefully examine what sums remain unpaid of taxes before laid or assessed; and where they find any sum or sums of money on any tax uncollected, and that the person or persons, estate or estates charged with the same, is or are sufficient to pay the same, they shall issue their warrant or warrants, under their hands and seals, to the collectors of the respective wards for the time being, where such sums remain unpaid, for the collection thereof. And every collector to whom any such warrant shall be directed, is hereby authorized and required to levy and collect all such sums in such warrant specified, in the same manner, and under the same penalties as in this act are above directed and provided with respect to other taxes; and shall pay the same to the treasurer or chamberlain of the said city, at such time as shall be specified in the same warrant. And if any collector shall neglect his duty herein, he shall be chargeable with the amount of the monies directed to be levied and collected by him: And where the said mayor, recorder and aldermen shall find, that the deficiency of any taxes has happened in any ward, by the insolvency, or the want of goods and chattels whereon to levy the said tax, of any person or persons upon whom the same was charged, or by the insolvency of the collector, or otherwise, they shall add such deficiency to, and cause the same to be raised with, and as part of the tax to be laid on the same ward: And in every such case the treasurer or chamberlain of the said city for the time being, shall credit and apply the first monies he shall receive on such tax, from such ward, to the payment and discharge of such deficiency.

*VIII. And be it further enacted by the authority aforesaid,* That upon the death, resignation or removal from office, of the treasurer or chamberlain of the said city for the time being, all the books and papers belonging to the same office, shall be delivered to his successor in office, upon the oath of the preceding treasurer or chamberlain, or in case of his death, upon the oath of his executors or administrators: And if any such preceding treasurer, or his executors or administrators, shall refuse or neglect to deliver the same upon oath as aforesaid, being lawfully demanded, every such person shall forfeit and pay, for every such refusal or neglect, the sum of five hundred pounds, to be recovered with costs of suit, by and in the name of the mayor, aldermen and commonalty of the said city, for the use of the said city and county of New-York, by action of debt, bill or plaint, in any court of record; and in every such action or suit, it shall be sufficient for the plaintiff to set forth, that the defendant, on the day such demand was made, became

indebted to the mayor, aldermen and commonalty of the said city, in the sum of five hundred pounds, as a forfeiture for refusing and neglecting to deliver up the books and papers belonging to the office of treasurer or chamberlain of the city of New-York, according to the form of an act, entitled, An act for the more effectual collection of taxes in the city and county of New-York, to be paid to the mayor, aldermen and commonalty of the said city, when he should be thereunto required, and to give the special matter in evidence.

*IX. And be it further enacted by the authority aforesaid,*  
Mayor, recorder and aldermen, or any five of them, may execute this act.  
 That it shall and may be lawful for the mayor, recorder and aldermen of the said city for the time being, or any five or more of them (of whom the mayor or recorder always to be one) to do, execute and perform all and every act, matter and thing, which the mayor, recorder and aldermen of the said city for the time being, are by this act authorised or required to do, execute and perform; and all questions which may arise at any meeting, shall be determined according to the judgment and opinion of the major part of them the said mayor, recorder and aldermen of the said city, attending at such meeting.

*X. And be it further enacted by the authority aforesaid,*  
Chamberlain yearly to pay to state treasurer all monies by him received for the use of government, &c.  
 That the treasurer or chamberlain of the said city shall, yearly, on or before the first day of March in every year, pay to the treasurer of this state, all such monies as he shall have received for taxes imposed on the city and county of New-York, for the use or service of the government of this state; and also deliver to the treasurer of this state, an account, on oath, of all such warrants as he shall have issued against any collector or collectors, and for what sums: And in case such treasurer or chamberlain shall not pay the monies by him received as aforesaid, by the time aforesaid, or shall not deliver such account on oath, to the treasurer of this state as aforesaid, or shall not, in case of default of any collector, issue his warrant as aforesaid, then, and in every such case, it shall and may be lawful for the treasurer of this state for the time being, and he is hereby authorised, directed and required to proceed against such treasurer or chamberlain of the said city, in like manner as the said treasurer or chamberlain is, in and by this act, authorised and required to proceed against delinquent collectors.

*XI. And be it further enacted by the authority aforesaid,*  
Mayor, recorder or alderman for neglect of duty, to forfeit stool, to be recovered with costs by the state treasurer.  
 That if the mayor, recorder, or any alderman of the said city for the time being, shall neglect or refuse to perform any of the duties required of him by this act, every person so neglecting or refusing, shall, for every such offence, forfeit to the people of this state, the sum of one hundred pounds, to be recovered, with costs, in any court of record, by action of debt, bill or plaint, by the treasurer of this state, by and in the name of the treasurer of the state of New-York; and in every such action or suit, it shall be sufficient for the plaintiff to set forth, that the defendant, at a certain time and place, became indebted to the treasurer of the state of New-York, in the sum of one hundred pounds, as a forfeiture incurred for refusing and neglecting to perform the duties required of him by virtue of an act, entitled, An act for the more effectual collection of taxes in the city and county of New-York, to be paid to the treasurer of the state of New-York for the time being, when he should be thereunto required, and to give the special matter in evidence. And no such action, suit or information shall be abated or discontinued by the death

of the treasurer, or by his resignation or removal from office, but shall and may be continued and prosecuted to effect by his successor in office: All which penalties last mentioned, when recovered, shall remain in the treasury of this state, subject to the order of the legislature.

Monies received by chamberlain for the use of the poor, and defraying contingent expenses, to be applied and paid as the common council shall direct.

XII. *And be it further enacted by the authority aforesaid,* That all such monies as shall come into the hands of the treasurer or chamberlain of the said city for the time being, for the maintenance of the poor, and for defraying the other contingent expences in the city and county of New-York, or for any other purposes in the said city and county, or for any penalties or forfeitures incurred by virtue of this act, and appropriated hereby to the use of the said city and county, shall be applied or paid by him to such persons, and in such manner as the mayor, aldermen and commonalty of the said city, in common council convened, by warrant, under the hand of the mayor or recorder of the said city for the time being, presiding in such common council, shall, from time to time, direct and appoint.

XIII. *And be it further enacted by the authority aforesaid,* That the treasurer or chamberlain of the said city for the time being, shall yearly, on the first Monday in November in every year, publish a state of all monies received by him for the use of the said city and county as aforesaid, and of the sums and purposes mentioned in each warrant drawn upon him as aforesaid, in one or more of the public news-papers printed in the said city of New-York.

C H A P. LXXI.

*An ACT to prevent firing the Woods.*

Passed 12th March, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That if any person or persons shall set fire to the woods in any part of this state, he, she or they shall forfeit and pay the sum of ten pounds, to be recovered with costs of suit, in any court having cognizance thereof, by any person or persons who will sue and prosecute for the same; the one moiety of which forfeiture, when recovered, shall be paid to the overseers of the poor of the town or place where the offence shall have been committed, for the use of the poor thereof; and the other moiety to the person or persons who will sue and prosecute for the same to effect as aforesaid. And such offender or offenders shall moreover be liable to all such damages as any person or persons shall sustain by such firing the woods as aforesaid.

II. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this act contained shall be construed to hinder or prevent any person or persons from firing his, her or their own woods; but if he, she or they do suffer such fire to extend beyond his, her or their own woods, he, she or they shall be subject to the penalty and forfeiture aforesaid, besides being answerable for the damages.

III. *And be it further enacted by the authority aforesaid,* That when the woods in any town within this state shall be on fire, the justices of the peace, the supervisor, the commissioners of the highways, and the officers of the militia,

Any person may set fire to his own woods; but be liable to the penalty and answerable for damages if it extends beyond his own woods.

Justices of the peace, &c. to order inhabitants to extinguish or stop such fires.

(not under the rank of captain) residing in such town, shall, and they are hereby severally authorized and required, to order such and so many of the inhabitants of such town liable to work on the highways, and who shall reside within the vicinity of the place where such fire shall be, as they shall severally deem necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing or stopping the progress of the same; and if any person so ordered to repair to, and assist in manner aforesaid, shall refuse or neglect to comply with such order, every person so disobeying such order, shall forfeit and pay the sum of four shillings, for every day he shall so neglect or refuse to obey, to be recovered in a summary way, with costs, before any justice of the peace resident in such town, and the oath of the person having given such order, shall be sufficient evidence whereon to convict any delinquent, and the forfeiture so recovered shall be applied as a reward to such person or persons as the officers aforesaid, or the major part of them, shall deem best entitled thereto, for superior exertions at the extinguishment, or in stopping the progress of such fire.

IV. *And be it further enacted by the authority aforesaid,*  
Former laws repealed.  
 ‡ 8th sess. ch. 31.  
 sec. 5. That all former ‡ acts and laws of this state concerning firing the woods, shall be void, and hereby are repealed.

## C H A P. LXXIX.

*An ACT for the better extinguishing Fires in the City of Albany.*

Passed 15th March, 1788.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the mayor, aldermen and commonalty of the city of Albany, in common council convened, or the major part of them, to nominate and appoint a sufficient number of able, discreet and sober men (willing to accept) not exceeding sixty in number, of the inhabitants, being freeholders or freemen of the said city, to have the care, management, working and using the fire-engines, and the other tools and instruments now provided, or hereafter to be provided, for extinguishing of fires within the said city; which persons so to be nominated and appointed as aforesaid, shall be called, The firemen of the city of Albany; who are hereby required to be ready at all times, as well by night as by day, to manage, work and use the said fire-engines, and other the tools and instruments aforesaid, provided and to be provided for extinguishing fires in the same city.

II. And in order that the firemen so to be nominated and appointed as aforesaid, may be diligent and vigilant in the execution of their duty, *Be it further enacted by the authority aforesaid,* That each of the persons so to be nominated and appointed a fireman, as aforesaid, shall, from time to time, during his continuance in that office, and no longer, be, and he hereby is declared to be, exempted and privileged from serving in the office of commissioner or overseer of the highways, or constable, and from being impanelled upon any jury or inquest, and from militia duty, except in cases of invasion or other imminent danger; and that for this purpose, the name of each fireman to be nominated and appointed by virtue of this act, shall be registered and entered with the clerk of the peace of the said city, and his certificate shall be sufficient evidence in all courts and cases of such privilege

Firemen exempted from serving as commissioners or overseers of highways, constables and jurors, and from militia duty.



and exemption. And further, That it shall and may be lawful to and for the mayor, aldermen and commonalty of the said city, in common council convened, or the major part of them, to remove and displace all or any of the firemen now appointed, or to be nominated and appointed by virtue of this act, when and as often as they shall think fit; and others in the rooms or places of such as they shall so remove or displace, to nominate and appoint, and so, from time to time, as they the said mayor, aldermen and commonalty of the said city, in common council convened, or the major part of them for the time being, shall think proper.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the mayor, aldermen and commonalty of the said city, in common council convened, or the major part of them, to make, establish and ordain such rules, orders, ordinances and regulations, for the government, duty and behaviour of the persons to be by them, from time to time, nominated and appointed firemen, by virtue of this act, in the working, managing and frequent exercising, trying and using the same fire-engines, tools and other instruments; and to impose and establish such reasonable fines, penalties and forfeitures, upon them or any of them, for default or neglect of the duties and services thereby to be enjoined or required from them, as the mayor, aldermen and commonalty of the same city, in common council convened, or the major part of them, shall, from time to time, think proper.

IV. *And be it further enacted by the authority aforesaid,* That upon the breaking out of any fire within the said city, the sheriff, deputy sheriffs, constables and marshals, then being in the said city, upon due notice thereof, shall immediately repair to the place where such fire shall happen, with their slaves and other badges of authority, and be aiding and assisting, as well in the extinguishing of the said fires, and causing the persons attending the same to work, as in preventing any goods or household furniture from being stolen at such fires; and the officers aforesaid shall also give their utmost assistance to the inhabitants in removing and securing their said goods and furniture; and in the execution of the duties required from them by this act, shall, in all respects, be obedient to the orders and directions of the mayor, recorder and aldermen of the said city, or such of them, as shall, from time to time, be present at such fires.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the mayor, aldermen and commonalty of the said city, in common council convened, if they shall deem it necessary and proper, by a bye-law or bye-laws, ordinance or ordinances by them for that purpose to be made and ordained, to direct and require the inhabitants or owners of houses and other buildings in the said city, to furnish and provide themselves with such and so many fire-buckets, to be ready in their respective houses and other buildings, for the purposes of extinguishing fires which may happen in the said city, and to impose and establish such reasonable fines, penalties and forfeitures, for every neglect, default or disobedience thereof, as they, the said mayor, aldermen and commonalty of the said city, in common council convened, shall think proper.

Common council may establish rules for their government, and impose fines for neglect of duty.

Sheriffs, deputy sheriffs, constables and marshals, to aid and assist at fires.

The common council may order the inhabitants to furnish themselves with buckets.

## C H A P. LXXX.

*An ACT for the better extinguishing Fires in the Town of Brooklyn, in King's County.*

Passed 15th March, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

Inhabitants of Brooklyn, residing near the ferry, at their annual meeting, to appoint eight firemen.

That it shall and may be lawful for the freeholders and inhabitants of the town of Brooklyn, in King's county, residing near the ferry, within a line to begin at the East-River, opposite to, and to be drawn up the road that leads from, the still-house, late the property of Philip Livingston, deceased, and including the same still-house, and the other buildings on the south side of the same road, to and across the road leading from Bedford to the ferry south of the house of Matthew Gleaves, and from thence north-easterly, including all the houses on the east side of the road last mentioned, and east of the powder magazine of Comfort and Joshua Sands, to the East-River aforesaid, and from thence down the East-River to the place of beginning, at the annual town-meeting of the freeholders and inhabitants of the same town, on the first Tuesday in April in every year, to nominate and appoint eight able and sober men, residing within the limits aforesaid, to have the custody, care and management of the fire-engine or engines, and the other tools and instruments, now provided, or hereafter to be provided, for extinguishing fires within the limits aforesaid; and all or any of the persons so by them to be nominated and appointed, from time to time, at any annual or other town-meeting, to remove or displace, and any other person or persons in his or their place and stead to nominate and appoint; and that the persons so to be nominated and appointed, shall be called the fire-men of Brooklyn, and shall be ready at all times, as well by night as by day, to manage, work and exercise the same fire-engine or engines, and the other tools and instruments aforesaid now provided, and to be provided, for extinguishing fires within the limits aforesaid, and shall be subject to such rules, orders and regulations in their conduct, duty and behaviour, as the freeholders and inhabitants of the same town, residing within the limits aforesaid, in town-meeting convened, shall, from time to time, make and establish, for the better government of the same fire-men: And that such rules, orders and regulations, so to be made as aforesaid, shall also be entered in the town-book, to be kept by the clerk of the same town.

Fire-men exempted from serving as overseers of highways, constables and jurors, and from militia duty.

II. *And be it further enacted by the authority aforesaid,* That every person so to be nominated and appointed a fireman as aforesaid, shall be, and hereby is declared to be, during his continuance in that office, and no longer, exempted and privileged from serving in the office of overseer of the highways, or constable, and from being impanelled upon any jury or inquest, and of and from militia duty, except in cases of invasion or other imminent danger; and to that end, the name of each person, to be nominated and appointed a fireman by virtue of this act, shall be registered and entered in the town-book to be kept by the clerk of the same town as aforesaid, and his certificate of such nomination and appointment, shall be sufficient evidence, in all courts and cases of such privilege and exemption.

III. And whereas the fire-engine or engines, now provided or hereafter to be provided within the limits aforesaid, will want repairs, and it may be necessary to provide other instruments for the extinguishing fires; Therefore, *Be*

Inhabitants at their town-meetings may direct monies to be raised for repairing engines.

*it further enabled by the authority aforesaid,* That it shall and may be lawful for the freeholders and inhabitants of the said town of Brooklyn residing within the limits aforesaid, at any town-meeting, to direct such sum or sums of money as they shall deem necessary and proper for the purpose aforesaid, to be raised, levied and collected, at the same time, and in the same manner as the monies for the maintenance and support of the poor, within the same town are by law directed to be raised, levied and collected, and to be paid into the hands of the town-clerk of the same town, to be by him paid and applied for the purposes aforesaid, at such times and times, and in such manner as the major part of the firemen aforesaid, shall from time to time direct and appoint.

C H A P. LXXXI.

*An ACT to prevent the storing of Gun-Powder, within certain Parts of the City of New-York.*

Passed 15th March, 1788.

**W**HEREAS the practice of storing gun-powder within certain parts of the city of New-York, is dangerous to the safety of the said city ; Therefore,

I. *Be it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same,* That it

No person to keep more than 28 pounds of powder in any one place within one mile of the city-hall, and that to be divided into four parcels.

shall not be lawful for any person or persons, to have or keep any quantity of gun-powder exceeding twenty-eight pounds weight, in any one place, house, store or out-house, less than one mile to the northward of the city-hall of the said city, except in the public magazine at the fresh-water, which said quantity of twenty-eight pounds, shall be separated in four stone jugs or tin canisters, each of which shall not contain more than seven pounds ; and if any person or persons shall keep any greater quantity than twenty-eight pounds, in any one place, house, store or out-house, or if the same gun-powder so permitted to be kept as aforesaid, shall not be separated in the manner herein above directed, he, she or they shall forfeit all such gun powder so kept, contrary to the true intent and meaning of this act, or so permitted to be kept, and which shall not be separated as aforesaid ; and shall also forfeit the sum of fifty pounds for every hundred weight of powder, and in that proportion for a greater or less quantity, to be recovered with costs of suit, in any court having cognizance thereof, by any person or persons who will sue for the same. Provided always, That all actions and suits to be commenced, sued or prosecuted, against any person or persons for any thing done contrary to this act, shall be commenced, sued or prosecuted within two calendar months next after the offence committed, and not at any time thereafter.

II. And to avoid dangers from gun-powder laden on board of any ship or other vessel, arriving from sea ; *Be it further enabled by the authority aforesaid,* That the commander or owner or owners of every

Commanders of vessels to land and store gun-powder within 24 hours after their arrival.

ship or other vessel arriving from sea, and having gun-powder on board, shall, within twenty-four hours after her arrival in the harbour, and before such ship or other vessel be hauled along side of any wharf, pier or key within the said city, land the said gun-powder, by means of a boat or boats, or other small craft at any place on the East-

River, east of the wharf now building by Thomas Buchanan, or at any place on the North-River, to the northward of the air-furnace, which may be most contiguous to any of the magazines, and shall cause the same to be stored in one of the magazines now built, or hereafter to be built for that purpose, on pain of forfeiting all such gun-powder to any person or persons who will sue and prosecute for the same to effect, in manner aforesaid.

III. And to prevent any evil consequences which may arise from the carriage of gun-powder, *Be it further enacted by the authority aforesaid,* That

No gun-powder to be carried thro' the streets but in tight casks put in bags, on pain of forfeiting the same.

all gun-powder which shall be carried through the streets of the said city, by carts, carriages, or by hand, or other wise, shall be in tight casks, well headed and hooped, and shall be put into bags or leather cases, and entirely covered therewith, so that no powder may be spilled or scattered in the passage thereof, on pain of forfeiting all such gun-powder as shall be conveyed through any of the streets aforesaid, in any other manner than is hereby directed; and it shall and may be lawful for any person or persons, to seize the same to his or their own use and benefit, and to convey the same to one of the magazines aforesaid, and thereupon to prosecute the person or persons offending against this act before the mayor or recorder, and any two aldermen of the said city; and such gun-powder shall upon conviction be condemned to the use of the person or persons seizing the same.

IV. *And be it further enacted by the authority aforesaid,*

Mayor, recorder or any two aldermen, may, on suspicion of gun-powder being concealed, issue a warrant to search for and seize the same.

That it shall and may be lawful for the mayor or recorder, or any two aldermen of the said city, upon application made by any inhabitant or inhabitants of the said city, and upon his or their making oath of reasonable cause of suspicion (of the sufficiency of which the said mayor or recorder, or aldermen, is and are to be the judge or judges) to issue his or their warrant or warrants, under his or their hand and seal, or hands and seals, for searching for such gun-powder, in the day time, in any building or place whatsoever, within the limits aforesaid, or in any ship or other vessel, within forty-eight hours after her arrival in the harbour, or at any time after such ship or other vessel shall and may have hauled along side any wharf, pier or key, within the limits aforesaid: And that upon any such search it shall be lawful for the persons finding any such gun-powder, immediately to seize, and at any time within twelve hours after such seizure, to convey the same to one of the magazines aforesaid; and the same gun-powder being so removed, to detain and keep, until it shall be determined by the mayor or recorder and any two aldermen of the said city, whether the same is forfeited by virtue of this act: And the person or persons so detaining the same, shall not be subject or liable to any action or suit for the detention thereof. Provided always, That nothing in this clause of this act contained, shall be construed to authorise any person having such warrant, to take advantage of the same, for serving any civil process of any kind whatsoever. Provided also, That nothing in this act contained shall extend to ships of war, or packets in the service of the United States or any of them, or of any foreign prince or state; nor to authorise the searching for gun-powder on board of any such ship or vessel while laying in the stream, and upwards of one hundred yards from the wharf or shore.

V. *And be it further enacted by the authority aforesaid,*

Gun-powder exceeding 25lb. found during a fire, may be seized without warrant.

That if any gun-powder, exceeding twenty-eight pounds, shall be found in the custody of any person, during any fire or alarm of fire, in the said city, by any fireman of the said

city, it shall be lawful for him to seize the same, without warrant from the mayor, or recorder or aldermen, and to cause the same to be condemned, in manner aforesaid, to his own use; any thing in this act to the contrary notwithstanding.

C H A P. LXXXII

*An ACT to prevent the Destruction of Deer.*

Passed 15th March, 1788.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly; and it is hereby enacted by the authority of the same,*

Any person killing a deer in January, February, March, April, May, June or July, to forfeit 3*l*.

That if any person or persons shall kill or destroy any wild buck, doe or fawn, or any other sort of deer whatsoever, at any time in the months of January, February, March, April, May, June or July, every such person shall, for every buck, doe or fawn, or other deer so killed or destroyed as aforesaid, contrary to the true intent and meaning of this act, forfeit and pay the sum of three pounds, to be recovered with costs of suit, in any court having cognizance thereof, by any person or persons who will sue and prosecute for the same; the one moiety of which forfeiture, when recovered, to be paid to the overseers of the poor of the town or place where the offence shall be committed for the use of the poor thereof; and the other moiety to such person or persons as shall sue and prosecute for the same as aforesaid.

**II.** *And be it further enacted by the authority aforesaid,* That every person in whose custody shall be found, or who shall expose to sale any green deer skin, fresh venison, or deer's flesh, at any time in any of the months before mentioned, and shall be thereof convicted before any justice of the peace, by the oath of one credible witness, or by the confession of the party, shall, unless such party shall prove that some other person killed such buck, doe, fawn, or other deer, be deemed and adjudged guilty of the said offence.

**III.** *And in order the more easily to convict offenders against this act, be it further enacted by the authority aforesaid,* That it shall be lawful for any justice of the peace in any county of this state, and every such justice is hereby required, upon demand made by any person, assigning a reasonable cause of suspicion, upon oath (of the sufficiency of which the said justice is to judge) at any time in any of the months before mentioned, to issue his warrant under his hand and seal, to any constable of any town or place in the same county, for searching in the day time in any house, store, out-house, or other place whatsoever, where any green deer skin, fresh venison or deer's flesh, is suspected to be concealed: And in case any green deer skin, fresh venison or deer's flesh, shall upon such search be found, the person in whose custody the same shall be found, or who concealed the same, shall forfeit the sum of three pounds, to be recovered and applied in manner aforesaid.

**IV.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall at any time hunt, pursue or destroy any wild buck, doe, or fawn, or other deer (except in the county of Suffolk) with any blood-hound or blood-hounds, beagle or beagles, every such person shall, for every such offence, forfeit and pay the sum of three pounds, to be recovered and applied as aforesaid. Provided, That nothing in this clause of this act contained, shall be construed to prevent any person or persons from mak-

Any person hunting or killing deer with blood-hounds or beagles, except in Suffolk county, to forfeit three pounds.

ing use of any blood-hounds or beagles, in the hunting, pursuing or destroying of wolves or other destructive wild animals.

V. *And be it further enacted by the authority aforesaid,*  
Former laws repealed.  
 § 9th sect. ch. 31.  
 That all former acts and laws of this state concerning deer, shall be and hereby are repealed.

## C H A P. LXXXV.

*An ACT to punish Infractions of that Articles of the Constitution of this State, prohibiting Purchases of Lands from the Indians without the Authority and Consent of the Legislature; and more effectually to provide against Intrusions on the unappropriated Lands of this State.*

Passed 18th March, 1788.

**W**HEREAS by the thirty-seventh section of the constitution of this state, reciting that it is of great importance to the safety of this state, that peace and amity with the Indians within the same be at all times supported and maintained; and that the frauds too often practised towards the said Indians, in contracts made for their lands, have in divers instances been productive of dangerous discontents and animosities; it is ordained, That no purchases or contracts for the sale of lands, made since the fourteenth day of October, One thousand seven hundred and seventy-five, or which might thereafter be made with, or of the said Indians within the limits of this state, shall be binding on the said Indians or deemed valid, unless made under the authority and with the consent of the legislature of this state. In order therefore more effectually to provide against infractions of the constitution in this respect,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That if any person shall hereafter, unless under the authority and with the consent of the legislature of this state, in any manner or form, or on any terms whatsoever, purchase any lands within the limits of this state, or make contracts for the sale of lands within the limits of this state, with any Indian or Indians, residing within the limits of this state, every person so purchasing, or so making a contract, shall be deemed to have offended against the people of this state, and shall, on conviction, forfeit one hundred pounds to the people of this state, and shall be further punished by fine and imprisonment, in the discretion of the court.

II. *And be it further enacted by the authority aforesaid,* That every person who shall hereafter give, convey, sell, demise or otherwise dispose of, or offer to give, convey, sell, demise or otherwise dispose of any lands within the limits of this state, or any right, interest, part or share, of or in any lands within the limits of this state, or intrude, or enter on, or take possession of, or settle on any lands within the limits of this state, pretending or claiming any right, title or interest in such lands, by virtue, under colour, or in consequence of any purchase from, or contract for the sale of lands made with any such Indian or Indians as aforesaid, at any time since the fourteenth day of October, one thousand seven hundred and seventy-five, and not under the authority, and with the consent of the legislature of this state, every such person shall be deemed to have offended against the people of this state, and shall on conviction, forfeit the sum of one hundred pounds, to the people of this state, and be further punished by fine and imprisonment, in the discretion of the court.

III. *And be it further enacted by the authority aforesaid,* That if any persons, other than Indians, shall, after the passing of this act, take possession of, or intrude or settle on any of the waste or ungranted lands of this state, lying eastward of the lands ceded by this state to the commonwealth of Massachusetts, and westward of the line or lines commonly called the Line of Property, agreed on between the Indians and the superintendant of Indian affairs, in the year one thousand seven hundred and sixty-eight, every person so taking possession of, or intruding or settling on any such waste or ungranted lands, within the limits aforesaid, shall be deemed as holding such lands by a foreign title, against the right and sovereignty of the people of this state; and it shall and may be lawful for the person administering the government of this state for the time being, and it is hereby declared to be his duty to remove, or cause to be removed, from time to time, by such means, and in such manner as he shall judge proper, all persons, other than Indians, who shall so take possession of, or settle or intrude on any of the waste or ungranted lands of this state, within the limits aforesaid, and to cause the buildings or other improvements of such intruders on such lands to be destroyed; and for that purpose, in his discretion, to order out any proportion of the militia from any part of this state, and such an occasion to be deemed an emergency, intended in the second section of the act, entitled, An act to regulate the militia, passed the 4th day of April, 1786. And the detachments so from time to time to be ordered out, shall receive the same pay and rations, and be subject to the same rules and regulations, as is provided in the said section of the said act.

IV. And for defraying the expences of paying and subsisting the militia, so from time to time to be ordered out, and of the contingencies to arise in such services, *Be it further enacted by the authority aforesaid,* That it shall be lawful for the person administering the government of this state for the time being, from time to time, by warrant under his hand, to draw from the treasury of this state, such sum and sums of money as he shall deem necessary, not exceeding two thousand pounds: And the treasurer is hereby required, out of any monies he may have in the treasury, forthwith to answer every such warrant, any other appropriation of the monies in the treasury, except appropriations to private persons in discharge of contracts, notwithstanding. And every person to be appointed or intrusted, by the person administering the government, with the expenditure of any of the said monies, shall be responsible to the people of this state for the respective expenditures, and shall account with the auditor of this state accordingly.

## C H A P. LXXXVIII.

*An ACT to prevent breaking and defacing Mile-Stones and public Monuments.*

Passed 20th March, 1788.

**W**HEREAS the erection of mile-stones, hands, pointers and other monuments for the direction of travellers along the public roads, greatly contributes to the convenience of such travellers: Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That if any person or persons shall remove or wilfully break, deface or in any wise damage any of the mile stones, hands, pointers, or any other monument already erected or put up, or hereafter to be erected or put up within this state, for the direction of travellers, the person or persons so removing or wilfully

breaking, defacing or in any wise damaging any of the said mile-stones, hands, pointers, or any other monument, shall forfeit and pay the sum of three pounds for every mile-stone, hand, pointer, or other monument so removed, broken, defaced or otherwise damaged; to be recovered with costs of suit, in any court having cognizance thereof, by any person or persons who will sue and prosecute for the same; the one moiety of which forfeiture, when recovered, to be paid to the person or persons suing and prosecuting for the same to effect; and so much of the other moiety as may be necessary for that purpose, to be applied to the repairing the damage done, and the residue, if any there be, to be paid to the overseers of the poor of the city or town where the offence shall be committed, for the use of the poor thereof. And if any person or persons convicted of any of the offences herein mentioned, shall refuse or neglect to pay such forfeiture, he, she or they so convicted, shall be committed to the common gaol of the county, there to remain without bail or mainprize for the space of thirty days, unless such forfeiture shall be sooner paid.

## C H A P. LXXXIX.

*An ACT to extend the Powers of the Commissioners of the Land-Office to the Cases therein mentioned, and for other Purposes.*

Passed 20th March, 1788.

§ 9th Act. ch. 67. **W**HEREAS by the second proviso to the nineteenth section of the act, entitled, "§ An act for the speedy sale of the unappropriated lands within this state, and for other purposes therein mentioned," passed the fifth day of May, one thousand seven hundred and eighty-six, every person entitled to the benefit intended by the said section of the said act, was directed to make application therefor to the commissioners, appointed by the said act, within six months after the passing of the said act. And whereas so great a part of the said time was elapsed before the said act was printed, that many of the persons for whose benefit the said section was intended, could not avail themselves thereof: Therefore,

*I. Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it*

Time for making certain grants extended. shall and may be lawful to and for the commissioners appointed by the said act, to make grants of unappropriated or ungranted lands, in manner directed by the nineteenth section of the said act, passed the fifth day of May, one thousand seven hundred and eighty-six. Provided, That application to the said commissioners for such grant, be made on or before the first day of January next, ensuing the passing of this act.

*II. And whereas adverse claims are made by persons who have heretofore located unappropriated or ungranted lands, by virtue of the laws of this state, authorising locations of land, and others claiming the benefit of*

§ 6th Act. ch. 11. the third section of the act, entitled, "§ An act to prevent grants or locations of the lands therein mentioned," passed the twenty-fifth day of July, one thousand seven hundred and eighty-two, and of the proviso annexed to the said third section, and no mode is directed by the said act, or any other act, for the conduct of the surveyor-general, and of the said commissioners in such cases; For remedy whereof, *Be it*



Made in which the commissioners shall determine adverse claims between locators and persons claiming by virtue of possession.

*further enabled by the authority aforesaid,* That where any unappropriated or ungranted lands have heretofore, or hereafter shall be located by any person or persons, if such lands were occupied and possessed, on or before the passing of the said act last mentioned, by the present occupant or possessor, or by any person who is the heir or legal representative of any original occupant or possessor, if such original occupant or possessor did not go off to or join the enemies of this state during the late war, then the lands so occupied and possessed shall not be granted to the person or persons having located the same; but if it shall appear that the lands so located were originally occupied by the person or persons so locating the same, or that the present occupant did not, on or before the twenty-fifth day of July, one thousand seven hundred and eighty-two, actually occupy and possess the same; that he is not the heir or legal representative of the original occupant; that being such heir or legal representative, the original occupant did go off to and join the enemies of this state during the late war, that then, and in either of these cases, the lands so located, shall be granted to the person or persons having so located the same, or to his or their legal representatives; and in order to enable the commissioners aforesaid to determine to which of the claimants a grant shall pass, for such lands so located or occupied, the surveyor-general shall, at the request of the person or persons having located such lands, or at the request of the occupant, return a survey of the lands, so in controversy, to the said commissioners, who shall cause a notice to be served on the adverse party, and shall appoint a day to hear the said parties, and their respective evidences; and having so heard, shall determine agreeable to law, to which of the parties such lands shall be granted, and shall accordingly direct the same to be granted; any thing in any law of this state to the contrary notwithstanding.

III. *And be it further enabled by the authority aforesaid,* That previous to the passing of any grant to such occupant as aforesaid, he shall produce a receipt from the treasurer of this state, that he has paid to the said treasurer at the rate of one shilling per acre, for every acre contained in the tract for which he is to obtain such grant as aforesaid, in any certificates signed by Gerard Bancker, as treasurer of this state.

IV. *And be it further enabled by the authority aforesaid,* That all persons having military certificates, on bounties of unappropriated lands, shall make their respective locations by virtue of such certificates, on or before the first day of July, which will be in the year one thousand seven hundred and eighty-nine; and that no location shall be made by virtue of any such certificate from and after the said first day of July, in the said year one thousand seven hundred and eighty-nine: Provided, That no such location

No locations on lands belonging to the Oneida, Onondaga, Cayuga, Tuscarora or Seneca, on 1st January, 1785, to take effect unless made before that day, nor unless the Indian right be extinguished before 1st July, 1789.

which shall have been made on any lands, which were the property of the Oneida, Onondaga, Cayuga, Tuscarora, or Seneca nations of Indians, or of any of them, on the first day of January, in the year one thousand seven hundred and eighty-five, shall take effect, unless such location shall have been made before that day, and unless also the Indian right to such lands shall by a cession in any form from the Indians to the people of this state, be extinguished before the first day of July, one thousand seven hundred and eighty-nine. And further, That if the Indian right to such lands, shall be so extinguished, the tract of land set apart for the use of the

§ 6th sess. ch. 11. troops of this state, by virtue of the first section of the act, entitled, § An act to prevent grants or locations of the land therein mentioned, passed the twenty-fifth day of July, one thousand seven hundred and eighty-two, shall be then appropriated to the use of such troops,

§ 9th sess. ch. 67. instead of the lands now appropriated to such use, by virtue of the act, entitled, § An act for the speedy sale of the unappropriated lands within this state, and for other purposes therein mentioned, passed the 5th day of May, 1786.

V. *And be it further enacted by the authority aforesaid,* That all persons who are now entitled to letters patent for any lands, shall cause the same to be surveyed at their own expence respectively, by the surveyor-general or one of his deputies, and shall sue out such letters patent on or before the first day of March next. And further, That all persons who shall, after the passing of this act, become entitled to letters patent for any lands, shall cause the same to be surveyed at their own expence respectively, by the surveyor-general, or one of his deputies, and shall sue out such letters patent within one year from the time they shall respectively become entitled thereto, or in default thereof, that they forfeit their respective rights to such letters patent, and that the lands shall be accordingly grantable to others: Provided always, That if the persons entitled to letters patent, shall respectively make it appear, to the satisfaction of the commissioners of the land-office, that the lands could not be surveyed within the periods for that purpose hereby limited, it shall be in the discretion of the commissioners to grant such farther time, and from time to time, to the said several persons, for making the respective surveys, as they shall deem reasonable.

Persons hereafter becoming entitled to lands, to have them surveyed at their own expence, and sue out letters patent within one year.

Locations in Chemung, to be surveyed at the expence of the party before 1st July, 1786.

VI. *And be it further enacted by the authority aforesaid,* That all persons having made locations by virtue of military certificates on any lands lying within the town of Chemung, shall cause the same lands to be surveyed at their own expence respectively, by the surveyor-general, or one of his deputies, before the first day of July next.

VII. And whereas Timothy Church, Israel Smith, Samuel Bixby and William White, four of the persons deemed to be entitled to lands in the tract appropriated for the use of the persons who have suffered in opposing the pretended government of Vermont, have caused the said tract and the several allotments therein, to be surveyed and run out, and have actually paid, and remain liable to pay monies as and for the expences of such survey: Therefore, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the land-office, to examine the accounts of the said Timothy Church, Israel Smith, Samuel Bixby and William White, of the expences incurred by them, in and about such survey, and ascertain the amount thereof as the commissioners shall deem just and reasonable, and such amount shall be, and hereby is declared, charged on the whole of the lands so appropriated as aforesaid, and the several persons to whom grants of any of the lands so appropriated as aforesaid, shall have been, or shall be ordered to issue, shall, before they shall be entitled to receive their grants, either pay to the secretary of the state for the use of the said Timothy Church, Israel Smith, Samuel Bixby and William White, the respective proportions of the said grantees, of such amount of the expences of the said survey, according to the number of acres granted to the said grantees respectively, or produce to the secretary, receipts from the said Timothy

Church, Israel Smith, Samuel Bixby and William White, or either of them, to them the said several grantees for the amount of the sums to be paid by them, as their respective proportions of the said expences. That where

Commissioners may grant to each person his part severally. allotments in the said tract have been allotted to two or more persons, it shall be lawful for the commissioners to grant to the several persons their respective parts in severalty, as the commissioners shall deem proper. That it shall be lawful for the commissioners to order a grant to issue to William Guthrie, William Guthrie, junior, and Reuben Kirby, for allotment number eighty-one in the tract aforesaid; and that allotment number seventy-five be deemed as allotted to Thomas Baker and Samuel Bixby, instead of the said allotment number eighty-one. That it shall be farther lawful for the commissioners to issue a grant to Philip Fribbee, Samuel Fribbee, Philip Fribbee, junior, Ephraim Guthrie, Eben Landers, Seth Stone, Goold Bacon, Heman Stone, Nathaniel Benton, junior, Joseph Landers and Roderick Moore, and such persons as shall be associates of the said eleven persons last named allotments, numbers forty-five and sixty-one; and they the said William Guthrie, William Guthrie, junior, Reuben Kirby, and the said Philip Fribbee, Samuel Fribbee, Philip Fribbee, junior, Ephraim Guthrie, Eben Landers, Seth Stone, Goold Bacon, Heman Stone, Nathaniel Benton, junior, Joseph Landers, and Roderick Moore, and their associates, shall pay into the treasury of this state, in any public securities, signed by the treasurer of this state, at the rate of one shilling and three-pence per acre for the lands to be granted to them respectively, and to be paid before they shall severally be entitled to receive their respective grants. That where grants for any lands within the tract aforesaid have

Persons not suing out their patents for said lands within a time to be appointed by the commissioners, to strike their claim to the same.

been or shall hereafter be ordered or directed to issue, if the several grantees shall not within such reasonable time, as the commissioners shall from time to time assign, sue out their respective grants, it shall be in the discretion of the commissioners to order and direct the surveyor-general to sell such lands, and to direct grants to issue to the respective purchasers as is provided in other cases of lands to be sold by the surveyor-general.

VIII. *And be it further enacted by the authority aforesaid,* That the commissioners of the land-office shall direct the surveyor-general to survey the island commonly called Nutten-Island, or Governor's-Island, and to lay out the same into lots not exceeding two acres each, with such lanes or streets as the commissioners shall deem proper, and shall direct the surveyor-general to sell the said lots in such manner as he is required to sell unappropriated

19th Feb. ch. 67.

lands, by the 1<sup>st</sup> Act for the speedy sale of unappropriated lands, passed the first day of May, in the year one thousand seven hundred and eighty-six; and that on such sales, no public securities, other than such as are signed by the treasurer or auditor of this state, shall be received in payment. And provided further, That it shall be in the discretion of the commissioners, to direct such parts of the said island as they shall deem proper to be reserved for fortifications, to remain unsold.

IX. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the commissioners of the land-office, to issue a grant to John Garafey, of the lands located by him in the tract purchased from the Indians in the year one thousand seven hundred and eighty-five, or of such vacant lands near or adjacent to the lands so located, as shall be equal to the quantity of land which he was entitled to locate.

Certain certificates  
not receivable in pay-  
ment for lands.

X. *And be it further enacted by the authority aforesaid,* That no certificates issued either by William Dehning, Joseph Bindon, Jonathan Burrell, John Pierce, Joseph Pannell or Edward Fox, shall be received in payment for any lands hereafter to be sold by order of the commissioners of the land-office.

## C H A P. XC.

### *An ACT relating to the forfeited Estates.*

Passed 21st March, 1788.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

Office of commissioner of forfeitures to cease after 1st September, 1788.

And surveyor-general to execute that duty.

That the office of commissioner of forfeitures within this state, shall cease on the first day of September next; and that all real estates forfeited to the people of this state, and thereafter to be sold or disposed of, shall be sold and disposed of by the surveyor-general of this state for the time being, who shall for that purpose be vested with the same authorities as are now vested in the commissioners of forfeitures. That the form of the conveyance to be executed by the surveyor-general, shall be as follows, viz.

“To all to whom these presents shall come, I surveyor-general of the state of New-York, send greeting : KNOW YE, That by virtue of the authority vested in me by the laws of the said state, and in consideration of the sum of I have granted, bargained, sold, enfeoffed and confirmed, and by these presents do grant, bargain, sell, enfeoff and confirm unto all the estate, right, title and interest of the people of the said state, of, in and to (here describe the lands or tenements.) TO HAVE AND TO HOLD the premises hereby granted, bargained, sold, enfeoffed and confirmed to the said heirs and assigns, signs, to the proper use and behoof of the said heirs and assigns forever. IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, the day of in the year of our Lord and in the year of the independence of the said state.”

All the rights of the state to the lands mentioned in such conveyance, to vest in the grantees.

That all the estate, right, title and interest, both at law and in equity, whether in possession, reversion or remainder, and which in consequence of the attainder or conviction of any person hath become forfeited to, attached or vested in the people of this state, of, in or to the lands or tenements in the respective conveyances mentioned, shall, by virtue of such respective conveyances, pass to and vest in the respective grantees, their heirs and assigns; and they shall respectively maintain any action for the recovery of the lands and tenements, any actual seisin or possession thereof in any other person notwithstanding; and such conveyance shall be deemed to operate as a warranty from the people of this state for securing to the respective grantees, their heirs and assigns, the lands and tenements by such conveyances respectively conveyed.

II. *And be it further enacted by the authority aforesaid,* That the commissioners of forfeitures shall, as soon as conveniently may be, after the said first day of September next, deliver to the surveyor-general for the time being, all the

Commissioners of forfeitures, after 1st September, 1788, to deliver all papers relating to their office,

to the surveyor-general.

Who may sell lands subject to controversy, &c.

maps, papers, conveyances and other documents, in their possession respectively, as commissioners as aforesaid, in any wife relating to forfeited estates. That in all cases where the surveyor-general, he having the opinion and advice of the attorney-general, shall deem forfeited lands, to be subject to, or incumbered with claims or controversy, and in all cases where he shall deem the people of this state to have a less interest than the absolute property in the whole of the lands, it shall be lawful for him, notwithstanding, to sell such lands; but it shall be his duty in such cases, at the time and place of sale, and for at least three hours before the sales, to affix in some public and convenient place there, a writing containing a state of all the material facts and circumstances relating to such claim or controversy, or relating to such interest of the state, as far forth as the same shall have come to his knowledge; to the end that all persons who shall be then and there attending with intent to purchase, may be informed of such claim or controversy, and of the nature and extent of the interest of the state in the lands: But the conveyance in such cases shall not be deemed to operate as a warranty from the people of this state; and there shall accordingly be inserted in the conveyance, immediately before the words, "IN TESTIMONY," the words following, viz. "These presents however are in no wise to operate as a warranty."

Securities signed by the treasurer or auditor only, to be received in payment for forfeited estates.

III. *And be it further enacted by the authority aforesaid,* That in all sales of forfeited estates hereafter to be made, no other public securities, except such as are signed by the treasurer or auditor of this state, shall be received in payment.

IV. And whereas notwithstanding the length of time given by the legislature of this state, to such as were indebted to persons, whose estates have been forfeited as aforesaid, to pay the said debts into the treasury in public securities, there is reason to believe that many of the said debtors have withheld such payments, and not availed themselves of the benefit intended them by such provision; Therefore, *Be it further enacted by the authority aforesaid,*

After 1st Nov. 1788, any person may produce to the treasurer any bond or other contract executed to any attainted person, and pay the amount due thereon in any public securities, issued from the treasury.

That if any person shall at any time after the first day of November next, apply to the treasurer of this state, and produce to him a bond, bill or other contract, being the evidence of a debt, and made or executed to any person attainted or convicted of adhering to the enemies of this state, and if the debtors shall not theretofore have made any payment into the treasury, as payment on such bond or other contract, or having made a payment or payments,

shall not have paid to the full amount of what such debtor ought, by law, to have paid, in order to be wholly discharged from such bond or other contract, it shall be lawful for such applicant to pay into the treasury, in any public securities issued from the treasury, the amount of what shall appear to be due on such bond or other contract; and where any payment or payments in part hath or have been made into the treasury by the debtor, the amount of such payments, in part, shall, in such cases, be deducted from what would otherwise have been due on such bond or other contract; and the treasurer shall thereupon endorse on such bond or other contract, a certificate of such payment by such applicant, and such applicant, his or her executors or administrators, shall thereupon, by virtue of this act, have an action in his or their own name or names, against the debtor or debtors, his, her or their heirs, devisees, executors or administrators, for the recovery of the sum so certified to have been paid into the treasury by such applicant;

with lawful interest for the same from the time of such payment. Provided, That in computing whatever may be due on such bond or other contract, no interest shall be deemed as having accrued between the first day of January, in the year one thousand seven hundred and seventy-six, and the first day of January, in the year one thousand seven hundred and eighty-four.

V. And to the end that the debtors and their heirs, devisees, executors and administrators, may be completely indemnified against suits on such bonds or other contracts in foreign judicatories; *Be it further enacted by the authority aforesaid*, That the plaintiff, in the case of such recovery as last aforesaid, shall not be entitled to an execution, unless he or she shall first have delivered to the clerk of the court where the recovery shall be had, the bond or other contract, and which shall thereafter remain filed in the office of such clerk.

VI. *Provided always, and be it further enacted by the authority aforesaid*, That nothing in this act contained, shall extend to any bond, bill or other contract, or the monies due thereon, where one or more of the co-obligors have, since the war, or do now reside within the dominions or territories of the king of Great-Britain, or to any debts due from the persons who have been inhabitants of this state, from the first day of January, in the year one thousand seven hundred and seventy-six, until the present time, and who have been well attached to the freedom and independence of this state, and actual sufferers by the late war, to any person or persons who have been convicted or attainted as aforesaid, if such debts, when contracted, did not respectively amount to upwards of fifty pounds each; but that all such debts not exceeding the said amount as aforesaid, shall be, and are hereby remitted and forever discharged, unless due to joint partners or trustees, where one or more of the partners, or the cestui que trust, have not been attainted or convicted.

VII. *And be it further enacted by the authority aforesaid*, That the treasurer of this state for the time being, shall and may, on or before the first day of November next, cause advertisements to be printed in two or more of the newspapers printed in this state, notifying all persons having claims against any forfeited estates, that he will, at a certain day to be specified in the said advertisements, not less than four months, nor more than six months after the publication thereof, proceed to a settlement of the said estates, and the several claims thereupon that shall be produced to him, liquidated according to law. And the said treasurer shall and may, at the time specified in such advertisements, or as soon after as may be, adjust the several claims upon the said estates; and if the amount of any of the said estates shall be equal to

If the estates are equal to the payment of such claims, treasurer to give certificates for the amount.  
§ 7th sess. ch. 64.

the payment of the liquidated claims upon the same, then the said treasurer shall immediately proceed to give his certificates for the amount of such claims respectively, in the manner directed by the act, entitled, *§ An act for the speedy sale of the confiscated and forfeited estates within this state*, and for other purposes therein mentioned; although the sale of the said respective estates shall not have been closed in the manner prescribed in and by the said last mentioned act.

Bonds taken by persons as executors or trustees, not to be forfeited, and how actions shall be maintained on such bonds.

VIII. And whereas several of the persons who are attainted or convicted of adhering to the enemies of this state during the late war, and whose estates have been confiscated, were trustees or executors, and had taken bonds or obliga-

tions, and other securities for monies in their own names only with others, for debts due to innocent persons: And wherea doubted whether by operation of law such debts would not be f the people of this state by such attainders or convictions; The *it further enacted by the authority aforesaid*, That in all cases wh appear, that any bond or obligation, or other security for m taken as aforesaid, by any person or persons whose estates have aforesaid forfeited, as executors, or in trust for any other perso victed or attained as aforesaid, then, and in every such case, such not be forfeited, or considered as forfeited to the people of this sta like actions shall and may be maintained upon the same bonds, and other securities for money, taken by the said person or pers with another or others, as if the said convicted or attained pers been named in such bond, obligation or other security for money It shall not be necessary to name or notice the said convicted o person or persons, in any writ, plaint, process or other procee soever, that shall or may be brought for the recovery of the said d further, That if such attained or convicted person or persons w named alone in any such bond or obligation, or other security t then the cestui que trust, and his or her executors or administrators and is, or are hereby enabled to bring and maintain an action upon in his, her or their own name or names, and declare as upon a l gation or other deed or contract, made to the said convicted c person or persons, in trust for him, her or them, or his, her or tor or intestate, as the case may be; any law, usage or custom t tray thereof in any wise notwithstanding.

IX. And for the relief of joint partners, and persons who may joint creditors with persons convicted or attained as aforesaid; *It*

*Relief given to persons who have been joint partners and creditors with attained or convicted persons.* *enacted by the authority aforesaid*, That it shall a lawful for any such joint partners or creditors, no or attained, to bring and maintain any action of their own name or names, for any sum or sums any bond, bill, covenant, agreement or contract whatsoever, m her or them, and any other person or persons, who shall or may convicted or attained as aforesaid, suggesting in the declaration other proceeding in the said action, in general terms, that the sai persons had been convicted or attained of adhering to the ene state; and the plaintiff or plaintiffs in any such actions, shall and ver in like manner, as if the said convicted or attained person or been naturally dead on the ninth day of July, in the year one the hundred and seventy-six; any law, usage or custom to the cont In any wise notwithstanding.

X. *Provided always, and be it further enacted by the authori* That the part or share of the person or persons so as aforesaid attained, in any debt or sum of money that shall be so as aforesaid by virtue of this law, shall be considered as a debt due to the f person or persons recovering the same, and be payable into th this state, in like manner as other debts to the state are or shall l able by law, unless the person or persons so recovering the f liable for the debts of the copartnership; in which case, upon hi filing a bill in the court of chancery of this state, disclosing the of the case, and making the attorney-general for the time thereto, the said court may give such relief as shall appear to b

## C H A P. XCII.

Amended,  
14th Feb. ch. 29.*An ACT for giving Relief in Cases of Insolvency.*

Passed 21st March, 1788.

**W**HEREAS many of the creditors of unfortunate, but honest insolvent debtors, incline to give such debtors a general discharge, on the delivery of their effects, but are prevented in their humane intentions by some of the creditors, to the injury of the rest, and to the prejudice of trade; For remedy whereof,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it

*In Solvents how to be discharged.* shall be lawful for any debtor, who now is, or hereafter

shall become insolvent, in conjunction with so many of his or her creditors, or the attorney or attorneys of any creditor, in cases where the principal of such attorney or attorneys resides without the state, who have or shall have debts bona fide owing to them by such insolvent, amounting, at least, to three-fourths of all the money owing by such insolvent, whether the same be then due or to become due and payable thereafter, in order to obtain a general discharge, to present a petition to the chancellor of this state, or to any one of the justices of the supreme court, or to any one of the judges of the court of common pleas, praying that such insolvent's estate may be assigned, and such insolvent discharged according to this act: Provided, That no person shall become a petitioning creditor, who may have purchased or procured to be assigned to him or her, any debt or debts due and owing, or to become due and owing by such insolvent, except for so much only as was actually and bona fide given for the debt so purchased or procured.

II. *And be it further enacted by the authority aforesaid,* That any person or persons having any mortgage, judgment, assignment, or other real security, of or upon any lands, tenements, hereditaments, goods or chattels, or thing or things in action whatsoever, either to such person or persons, or to any other or others, in trust for such person or persons, for securing the payment of any sum or sums of money from such insolvent, shall not for such sum or sums become or be considered a petitioner in favour of such insolvent, unless such person or persons shall, upon signing the petition aforesaid, add to his or her name subscribed to the same petition, a declaration in writing, that he or she doth thereby relinquish and give up to the assignee or assignees, to be appointed as herein before specified, such mortgage, judgment, assignment or other security, for the benefit of all the creditors of such insolvent; and every such mortgage, judgment, assignment and security, so relinquished as aforesaid, and the lands, tenements, hereditaments, goods and chattels, and things in action so mortgaged, assigned or affected by such judgment or security, shall, with the residue of such insolvent's estate, vest in the assignee or assignees of such insolvent's estate, for the purposes aforesaid.

III. *And be it further enacted by the authority aforesaid,* That to every petition to be presented to the said chancellor, justice or judge, shall be annexed an affidavit of each petitioning creditor, made before a master in chancery, or one of the justices of the supreme court, or one of the judges of the court of common pleas, that the sum annexed to the name of such petitioning creditor, is justly due to him or her, or will become due to him or her at some future time or times, to be specified in such affidavit; and that he or she, or any other person to his or her use, hath not received from such insolvent, or any other person, any payment of part of his or her demand against such insolvent in money, or by sale, conveyance, assignment or delivery of any



lands, tenements, hereditaments, goods, chattels, or any thing or things in action, or any gift or reward whatsoever, upon any express, or secret, or implied contract, promise, engagement, intent, trust or confidence, that he or she should become a petitioner, for and in behalf of such insolvent.

IV. *And be it further enacted by the authority aforesaid,*  
Manner of proceeding where creditors petition by attorneys. That no debt or debts due by such insolvent to any person or persons who shall petition in favour of such insolvent by attorney, shall be taken and deemed to make any part of the three-fourths in value of the debt due by such insolvent, unless such petitioning attorney shall deliver unto the chancellor, or to the justice of the supreme court, to whom such petition shall be made, or to the court of common pleas, of which the judge to whom such petition shall be made, was a member, the original accounts, or authenticated copies thereof, and the original specialties, if any on which the debt to his principal has arisen, with an affidavit of such principal annexed in the form of the oath herein before prescribed to be taken by every petitioning creditor of such insolvent, which affidavit shall be made before a judge or justice of one of the superior or supreme courts, or a notary public of the state or kingdom wherein such creditor shall reside, and be certified under the hand and seal of such judge, justice or notary public.

V. *And be it further enacted by the authority aforesaid,*  
Insolvents to deliver to the chancellor, or judge, an account of their creditors, and of the monies due to them ; That every such insolvent shall deliver, or cause to be delivered to the chancellor, or justice of the supreme court, or judge of the court of common pleas, at the time of presenting such petition, a full, just and true account of all his or her creditors, and the monies owing to them respectively by such insolvent ; and also, a full, true and just inventory, and account of all the estate both real and personal in law and equity, of such insolvent ; and of all books, vouchers and securities relating to the same ; and the said chancellor, justice, or such judge of the court of common pleas, shall administer to such insolvent, an oath to the following effect :

And also an inventory of their estates ;

And to take an oath.

**I** do solemnly swear, in the presence of Almighty God, That the account herewith delivered, is a just and true account of all my creditors, and of the monies owing by me to them respectively, to the best of my knowledge and remembrance ; and that the inventory or account, also herewith delivered, is a just and true inventory or account of all my estate, real and personal, both in law and equity, either in possession, reversion or remainder ; and that I have not directly or indirectly, sold, leased, or otherwise disposed of or made over, in trust for myself or otherwise (except as is set forth in the same account or inventory) any part of my estate, real or personal, for my future benefit, or for the benefit of any other person or persons, in order to defraud my creditors, or any of them ; and that I have not at any time, given any mortgages, bonds, notes, or other specialties, or consented to any judgment passing against me, except for money, property or effects, actually bought and received, to the real value of the sums specified in such mortgages, judgments, bonds, notes or other specialties ; and that I have in no instance become a debtor to any of my creditors with intention to defraud any other or others of my creditors, or with intent to obtain the benefit of the act, entitled, An act for giving relief in cases of insolvency.

**Insolvent and petitioning creditors to publish an advertisement.**

Which oath being taken by such insolvent, he or she and the petitioning creditors, or one of them, shall cause an advertisement to be published for six weeks successively in the news-paper printed by the printer to the state, and in one of the news-papers to be printed in the county in which such insolvent shall reside or be imprisoned, and if no news-paper is printed in such county, then in one of the news-papers printed in the city of Albany, and shall also cause a copy of such advertisement, to be put up six Mondays successively on the outward door of the court-house or gaol of the city or county in which such insolvent shall reside or be imprisoned, and by which advertisement all the creditors of such insolvent shall be required to shew cause, if any they have, by such a day as shall be appointed by the chancellor, or justice, or if such affidavit is made before a judge of the court of common pleas, then at the term of such court, to be held next after the expiration of the said six weeks, specifying the time and place, when and where such term shall be held, why an assignment of the said insolvent's estate should not be made, and the said insolvent discharged according to this act; at which day or term so appointed, or on any other subsequent day or term, that the chancellor or justice, or court of common pleas may judge proper to appoint, and if no sufficient cause to the contrary appears, and the chancellor, justice of the supreme court, or the said court of common pleas shall be satisfied, that the said insolvent is justly and truly indebted to the subscribing petitioners in the sums by them respectively mentioned, and that such sums amount in the aggregate to three-fourths of the debts due by such insolvent, and that such insolvent has conformed in all things to those matters required of him or her, according to the true intent and meaning of this act, the said chancellor, justice of the supreme court, or the said court of common pleas, shall direct a grant or assignment of all such insolvent's estate, both in law and equity, in possession, reversion or remainder, to be made by such insolvent to the person or persons nominated by the petitioners, or a majority of them, in respect to the amount of their said demands on the said insolvent, except such articles of wearing apparel and bedding; as in the opinion of the chancellor, justice of the supreme court, or court of common pleas aforesaid, shall be reasonable and necessary for such insolvent, and for the family of such insolvent to retain; and also the arms and accoutrements of such insolvent, if any there are mentioned in such inventory, required by law to be provided by any citizen enrolled in the militia.

**Except wearing apparel and bedding;**

**And also arms and accoutrements.**

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the chancellor, justice, or court of common pleas, before whom such petition shall be depending, upon application by any creditor of such insolvent, to examine such insolvent, his wife, the petitioning creditors, and any other person and persons upon oath, touching every matter relative to the estate, debts and credits of the said insolvent, and for that purpose to issue a warrant, under the hand and seal of such chancellor or justice, or of a judge of the said court of common pleas, requiring any person or persons to appear and answer before the said chancellor, justice, or court of common pleas, touching the matters by this act directed to be heard by them; and every person who being served with such warrant, shall, without reasonable let or hindrance, refuse or neglect to appear, or appearing, shall refuse to answer upon oath touching the matters aforesaid, shall forfeit

the sum of fifty pounds, to be recovered with costs of suit, by action of debt, by any person who will sue for the same, and shall also be committed to prison, by warrant or order of the said chancellor, justice or court, there to remain without bail or mainprize, until he or she shall submit to answer upon oath as aforesaid.

VII. *And be it further enacted by the authority aforesaid,*

Such insolvent producing a certificate from the assignee of his or her having assigned and delivered up his or her estate, to be discharged.

That upon such insolvent producing a certificate, under the hand and seal, or the hands and seals of the assignee or assignees, executed in the presence of two witnesses, that such insolvent has granted, conveyed, assigned and delivered for the use of his or her creditors, all his or her estate, real and personal, both in law and equity, in possession, reversion or remainder, except as aforesaid, and all the books, vouchers and securities relating to the same, the chancellor, justice, or court of common pleas, shall discharge such insolvent from all such debts due at the time of the assignment, or contracted for before that time, though payable afterwards, and also, if in prison, from his or her confinement; which discharge, or the record thereof, shall be a sufficient warrant and authority to the sheriff or gaoler for setting such prisoner or prisoners at large; and the said discharge, or the record thereof, or transcript thereof, duly authenticated, shall be also conclusive evidence in all courts within this state of the facts therein contained.

VIII. *And be it further enacted by the authority aforesaid,*

Now a creditor for six, or more, of a merchant who has been imprisoned sixty days, may proceed to obtain an assignment of his estate, for the benefit of his creditors.

That it shall and may be lawful for any creditor of any person using the trade of merchandize, or getting the greatest part of his living by buying and selling, who hath, or shall have been actually imprisoned for sixty days and upwards, upon execution in any civil action, to apply in person or by attorney (if the principal resides without this state as aforesaid) to the chancellor or any of the justices of the supreme court for relief, in case such creditor or the said attorney shall be apprehensive that the estate or effects of such debtor will be wasted or embezzled; and upon such application, and an affidavit being made by such creditor before a master in chancery, or justice of the supreme court, or in case of the residence of such creditor without this state, then in the manner herein before directed, that such person is justly indebted to such creditor, in a certain sum of money then due and to be specified in the said affidavit, and not less than forty pounds, and that such debtor is in prison on execution issued against him in

Extended to all persons confined for debts above ten pounds.  
12th sess. ch. 24.  
Sec. 16.

some civil action, and has been so imprisoned for sixty days and upwards, the said chancellor or justice shall order a publication to be made in the manner herein before directed, for the creditors of such debtor to appear before him at a certain day in the said order to be specified, and not less than eight weeks after the publication of such order, to shew cause, if any they have, why an assignment should not be made of the said debtor's estate, for the benefit of all his creditors; and upon that day or at such subsequent days and times as the said chancellor or justice may appoint, if so many of the creditors of such insolvent as he shall be satisfied have debts owing to them to the amount of three-fourths in value of all the debts owing by such insolvent, shall request an assignment to be made of the estate of such insolvent as aforesaid, and no good cause appears to the contrary, it shall be lawful for the said chancellor or justice to direct such assignment to be made, in like manner as if the parties had appeared before him, in consequence of a petition as

aforesaid; each of the said creditors first making an affidavit, in the manner herein before directed, that the sum demanded by such creditor, is justly due to him or her, or will become due to him or her, at some future time or times to be specified in such affidavit, and that he or she, or any other person to his or her use, hath not received from such insolvent or any other person, any payment of part of his or her demand against such insolvent, in money or by sale, conveyance, assignment or delivery of any lands, tenements, hereditaments, goods, chattels or any thing or things in action, or any gift or reward whatsoever, upon any express, or secret, or implied contract, promise, engagement, intent, trust or confidence, that he or she should consent to or request such assignment; and if such insolvent shall make such assignment in ten days thereafter, and shall conform to the directions of this act with respect to petitioning debtors, such insolvent shall be thereupon discharged, in like manner as if he had petitioned for his discharge in conjunction with his creditors, pursuant to this act: But if such insolvent shall refuse or neglect to make and execute such assignment as aforesaid, the said chancellor or justice shall execute an assignment of such insolvent's estate, both in law and equity, in possession, reversion or remainder, to such person or persons as a majority of the creditors of such insolvent, in respect to the amount of their demands appearing to him, shall nominate, and with the like exceptions as are herein before mentioned; which assignment shall be equally good, valid and effectual, to all intents and purposes whatsoever, and the assignees shall have the like estate and power, and be subject to the like duties as if the same had been executed by such insolvent, and shall vest in such assignees the whole of the estate which belonged to the said insolvent, on the day of the first publication of the order so made as aforesaid.

*IX. And be it further enacted by the authority aforesaid,* That if the said insolvent shall, so as aforesaid, refuse or neglect to make an assignment of his estate, such insolvent shall not be discharged from imprisonment by virtue of this act, unless so many of his creditors as shall have debts owing to them, to the amount of three-fourths in value of all the debts owing by such insolvent, shall petition the said chancellor or justice for his discharge; or unless such insolvent shall have delivered such inventory and account, and taken such oath as are herein before prescribed, and so many of his creditors as aforesaid have accepted a dividend under such assignment.

*X. And be it further enacted by the authority aforesaid,* That any such insolvent having been discharged in conformity to this act, if prosecuted for any debt or contract before mentioned, or if any other person or persons be sued for any matter or thing done by virtue of this act, it shall be lawful for such person or persons to plead the general issue, and give the special matter in evidence.

*XI. And be it further enacted by the authority aforesaid,* That in case any such insolvent shall be guilty of perjury, by concealing any part of his or her estate or effects, or shall, after the assignment of his or her estate, by virtue of this act, receive any debt or debts due to him or her before such assignment, or if he or she shall secrete any part of his or her estate, or any books or writings relative thereto, with an intent to defraud his or her creditors, or shall procure any person or persons to become a petitioning creditor or creditors, for any sum not bona fide due from him or her to such creditor or creditors, or for any larger sum than is really and bona fide due from such insolvent, to

Each creditor or creditors, to make such sum in value as required by this act as aforesaid, then, and in every such case, the discharge of the said insolvent, under this act, shall be void, and his or her person or persons, and estate or effects, shall be subject to the payment of all his or her former debts, as well to his or her petitioning creditors, as others, the said discharge to the contrary notwithstanding.

*Any person concealing insolvent's estate, to forfeit ten, and double the value of the estate concealed.* XII. *And be it further enacted by the authority aforesaid,* That any person or persons, who shall have accepted of any trust or trusts for any insolvent, or shall wilfully conceal or protect any estate, real or personal, of any insolvent, from the assignee or assignees of such insolvent, and shall not, in fifty days after notice of such assignment being published in the news-paper printed by the printer to this state, and one other of the public news-papers printed in this state, fully discover and disclose such trust and estate to the said assignee or assignees, shall forfeit the sum of one hundred pounds, and double the value of the estate so concealed, to be recovered with costs, by action of debt, in any court of record having cognizance thereof, in the name or names of the said assignee or assignees, for the use and benefit of the creditors of such insolvent.

*Any person swearing, that more is due than is really due, to forfeit double the sum.* XIII. *And be it further enacted by the authority aforesaid,* That if any person shall swear or depose, before a master in chancery, justice or judge, as aforesaid, that any sum of money is due, or owing to him or her from any such insolvent, which sum of money is not really due or owing, or shall swear, that more is due than is really due or owing, knowing the same to be not due or owing, and that such oath is false and untrue, such person shall be liable to pay double the sum so sworn to be due or owing as aforesaid, to be recovered by action of debt, in any court having cognizance thereof, in the name or names of the assignee or assignees of such insolvent's estate, and to be divided among all the creditors of such insolvent, in proportion to their demands against such insolvent's estate.

*Chancellor or judge may examine any person suspected of concealment, on oath.* XIV. *And be it further enacted by the authority aforesaid,* That for the more full discovery of the estate of such insolvent, the chancellor or justice of the supreme court, or judge of the court of common pleas, at the request of the assignees, the survivors or survivor of them, shall have, at any time after such assignment as aforesaid, full power, and they are hereby required to summon and examine on oath, such insolvent, his wife, and every other person, whomsoever, known or suspected to detain any part of the said insolvent's estate, or to be indebted to it; and in case any person on such summons shall refuse to attend, having no reasonable excuse, or shall refuse to be sworn, then it shall and may be lawful for the said chancellor, or any of the justices of the supreme court, or such judge of the court of common pleas, to commit the person so refusing, to goal, until he or she shall submit to be examined concerning what he or she may know relating to such estate; and if any such person or persons shall wilfully and knowingly affirm, or swear falsely, the person or persons so offending, shall be liable to the same pains and penalties as those who are convicted of wilful and corrupt perjury.

*Any insolvent, having become bail in any suit, may add the sum he or she has given or the will be liable* XV. *And be it further enacted by the authority aforesaid,* That every such insolvent, who shall, before the delivery of such petition, have become bail in any cause, on account of which he or she has or have reason to think judgment

to pay on that account to the account of his creditors.

may be had against him or her, and shall make oath, that at the time he or she so became bail, he or she had a clear estate sufficient to answer any demand that could with any probability be made upon him or her as bail, may add to the account of the creditors, and the monies owing by him or her before directed to be given, an account of the manner of becoming bail, and annex such a sum as he or she imagine he or she will be liable to pay on that account ; and then the assignees shall reserve in their hands, for the space of one year and a half, such

Assignees to reserve a dividend for the plaintiff.

a dividend as a creditor for the like sum would have a right to receive ; and after judgment obtained against any such insolvent, the person or persons obtaining the same, shall be considered in every respect, as another creditor, whose debt was due before the delivery of the petition. But if in the space of one year

If judgment is not obtained in eighteen months, the money to reserved to be divided among the other creditors, and the insolvent discharged, &c.

and a half after the petition is delivered, no judgment shall be obtained against such insolvent, the monies so reserved shall be divided among the other creditors in the same manner as the rest of such insolvent's estate, and such insolvent shall be discharged from all obligations as bail, in the same manner as if the sum so annexed to the account of his or her creditors, was paid ; and if judgment shall be obtained against such insolvent as bail for any sum, within one year and a half after the petition is delivered, and after the division of the produce of his or her estate among his or her creditors, and the said insolvent shall have omitted, either wholly or in part, to annex the said sum to the account delivered, the person obtaining such judgment, shall recover against the said insolvent, either for the whole or the part omitted, as the case shall happen to be, so much as the other creditors of the said insolvent ought to have received for a like just debt, and no more. Provided always, That the sum for which judgment is obtained, against such insolvent, being added to the account of his or her creditors, and of the monies owing to them before directed to be given, the debts owing by him or her to the petitioning creditors, shall still appear to have been three-fourths of all that was owing to the said insolvent.

Persons whose debts are not due at the time of the delivery of the petition, entitled to a dividend, on a rebate of interest.

XVI. *And be it further enacted by the authority aforesaid,* That all persons who have given credit to such insolvent, on a valuable consideration, for any sum of money or other matter or thing, which is or shall not be due or payable, at or before the time of the delivery of the petition, shall and may be admitted and considered as creditors whose debts are then due, and shall receive a dividend of such insolvent's estate, in the same proportion as the other creditors, deducting thereout only a rebate of interest at the rate of seven per cent. for what shall be received on such debts (unless such debts shall be payable with interest) to be computed from the actual payment thereof to the time they would have been due.

Assignees empowered to dispose of insolvent's estates, to execute deeds for the same ; to redeem mortgages ; to recover in their own names ; to refer to arbitration, and compound with debtors, &c.

XVII. *And be it further enacted by the authority aforesaid,* That such assignee or assignees, shall have power and authority to dispose of all the real and personal estate of such debtor or debtors, which shall be assigned to him or them, or which ought, by virtue of this act, to be assigned to him or them, and to convert the same into money ; to execute good and sufficient deeds for such real and personal estate ; to redeem all mortgages and conditional contracts, and satisfy all judgments, and to recover, in his or their name or

names, all such real and personal estate of such insolvent, and all deeds, and books of accounts, and papers respecting the same; and shall have full power and authority to refer to arbitration, settle or compound, or agree with any person indebted to the insolvent, in such manner as shall, from time to time, appear to such assignee or assignees most advantageous to the creditors of such insolvent; and shall, within the space of one year, proceed to make a division of all the money which shall have come to his or their hands, of such estate, first giving three months notice of the time and place of making such division, by advertising the same in the news-paper printed by the printer to this state, and in one other of the public news-papers printed in this state; and if the whole be not then settled, shall, within the space of one year thereafter, make a second division of such monies as may come to his or their hands, after the first division, and so, from year to year, until a final settlement thereof, and a just and equal division of the whole be made; and if on settling the estate of the insolvent, a surplus should remain in their possession, after discharging the debt or debts of the said insolvent, the same shall be paid to the said insolvent, his or her legal representative or representatives.

XVIII. *And be it further enacted by the authority aforesaid,* That the assignees, or the survivors or survivor of them, shall, at least, one month before a division be made, appoint a day, by advertising the same in one or more of the public news-papers, for a general meeting of all such creditors as shall choose to attend, to examine and ascertain the debts due to each creditor, and in case of any controversy relating to such debts, it shall be determined in the following manner; that is to say, The assignees shall nominate two referees, not being creditors of the insolvent, and the creditor whose debt is in controversy, shall nominate two others, and their names shall be separately written on four pieces of paper, as nearly of the same size as possible, which shall be rolled up in the same manner, and put into a box, and from thence one of the assignees shall draw out three of the said pieces of paper, and the persons whose names are so drawn, shall finally settle such controversy; and if any referee, so appointed, shall refuse or be incapable of acting in a reasonable time, a new choice shall be made in the same manner; and in case any such creditor shall refuse to nominate referees on his part, the assignees are hereby empowered to nominate them for him.

XIX. *And be it further enacted by the authority aforesaid,* That the assignee or assignees shall, before he or they enter upon the execution of the trust committed to him or them, by virtue of this act, take an oath, to be administered by a master in chancery, a justice of the supreme court, or any of the judges of the court of common pleas aforesaid, well and faithfully to manage the insolvent's estate, and keep and render a true account of all that shall come to his or their hands of the same; and for that purpose, he or they shall keep regular books of accounts, to which every creditor at all reasonable times may have recourse, and for the care and trouble incumbent on the assignee or assignees, he or they shall be allowed out of the insolvent's estate, such a consideration as the petitioners, or a major part of them, shall agree and fix upon; and that all costs of suit, prison and gaol fees, and charges of proceedings under this act, to obtain the discharge of the insolvent, shall be first paid, and then deducting all such costs, charges and expences, as shall be necessarily laid out and expended by the assignee or assignees, together with his or their commissions for his or their care and trouble therein,

the residue shall be divided equally among the creditors ; in which division, no preference shall be given to debts due by specialty.

XX. *And be it further enacted by the authority aforesaid,* That no suit in equity shall be commenced by any assignee, without the consent of the majority of the petitioners or creditors, who consented to the assignment, with respect to the amount of their debts as aforesaid, at a meeting held for that purpose ; and if any creditor shall neglect or refuse to give notice of, and prove his or her debt, within one year and an half after the assignment, and a division of the whole estate be made, such creditor shall not be entitled to a dividend, and the whole money shall be divided by the assignees among the other creditors : But in case the whole of such insolvent's estate shall not be divided and settled by the time hereby appointed for the first division, and such creditor shall prove his debt, before the time appointed for the second division, then such creditor shall, before a second division be made among the other creditors, have his said dividend, or so much money as he would have been entitled to on the first division, had his debt then been proved ; but no creditor shall be admitted to prove his debt, in order to entitle himself to a share in the insolvent's estate, after a second division, but shall by this act be debarred from any share thereof.

XXI. *And be it further enacted by the authority aforesaid,* That every insolvent who shall be discharged by virtue of this act, and in all things conform to the directions thereof, shall be allowed the sum of five pounds per centum, on the net produce of all his or her estate that shall be recovered or received by the said assignee or assignees, to be paid to him or her by such assignee or assignees, in case the net produce of the said estate, after such allowance made, shall be sufficient to pay the creditors of such insolvent, who shall prove their debts in the manner directed by this act, the sum of fourteen shillings in the pound, and so as the said five pounds per centum shall not amount in the whole to above the sum of two hundred pounds.

XXII. *And be it further enacted by the authority aforesaid,* That nothing in this act contained, shall be construed to deprive landlords of the right of distraining for, or securing their rents, which by law they had before the making of this act.

## C H A P.   XCV.

*An ACT directing the Settlement of Public Accounts, and for other Purposes therein mentioned.*

Passed 22d March, 1788.

**L** *BE it enacted by the people of the State of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,*

Auditor appointed  
the commissioner for  
settling the accounts  
between this State and  
the United States.

That the auditor of this State for the time being, shall be, and hereby is appointed sole commissioner, for and in behalf of this State, to settle all accounts between this State and the United States ; and for that purpose that he shall be authorised to settle and agree with any and every commissioner, agent or other person appointed or authorised, or hereafter to be appointed or authorised for the purpose, by or in behalf of the United States, touching the said accounts, in such manner, and on such terms, as the said auditor shall deem



most eligible ; and also on behalf of this state, to appear before any commissioner or other persons appointed or authorized, or hereafter to be appointed or authorized to hear, enquire into, or determine, touching the claims or demands, which this state may have or make against the United States, and before such commissioners or other persons to manage and prosecute such claims or demands on the part of this state ; and that it shall be lawful for the treasurer to deliver over to the auditor such vouchers and papers in the treasury, as the treasurer shall deem the auditor ought to be possessed of, in order to exhibiting or managing any of the claims or demands of this state against the United States ; and it is hereby declared to be the duty of the treasurer from time to time, on the application of the auditor, to advise the auditor touching the said accounts, and the mode and terms of the settlement of the said accounts, as the interest of the state shall, in his judgment, require : That William Denning shall be and hereby is appointed to collect vouchers, and proofs, and otherwise to assist the auditor in preparing, stating and settling the said accounts, as the auditor shall, from time to time require, and in the absence of the said auditor, at any time, the said William Denning shall in such cases be authorized to appear in behalf of this state, before such commissioners, or other persons authorized to hear, enquire into, and determine, and before such commissioners or other persons, to manage and prosecute the claims and demands of this state : And he the said William Denning, shall be allowed for his services in the said business, at the rate of three hundred and fifty pounds per annum, from the time he shall enter on the said business.

II. *And be it further enacted by the authority aforesaid,* That the office of auditor to liquidate and settle the accounts of the troops of this state, in the service of the United States, shall cease from and after the first day of June next. And further, That the said auditors shall on or before the said first day of June next, deliver to the treasurer of this state, all the certificates for pay, or depreciation of pay, signed by the said auditors, pursuant to any act of the legislature of this state, and yet remaining in their hands, together with all the books, checks, blanks and papers belonging to their said office. And the treasurer is hereby authorized upon demand, to deliver all such certificates so signed, to the respective persons entitled to the same.

[It was conceived unnecessary to print any more of this act than the following clauses, the rest being either expired, repealed, obsolete or private.]

VIII. *And be it further enacted by the authority aforesaid,* That the seventh section of the act, entitled, † An act for the relief of persons who paid money into the treasury of this state, in consequence of a resolution of the committee of safety, of the first day of March, one thousand seven hundred and seventy-seven, and for other purposes therein mentioned, shall be, and hereby is repealed, from and after the first day of May next.

XIV. *And be it further enacted by the authority aforesaid,* That in all cases where the treasurer of this state is authorized, empowered or required to sue or prosecute for any debts, penalties or forfeitures, by any law of this state, it shall be sufficient for the treasurer of this state for the time being, in any action or suit brought, or to be brought, for any such debts, penalties or forfeitures, to declare generally, that the defendant is indebted to the treasurer of the state of New-York, in the amount of such debt, penalty, or forfeiture, by virtue of the act, entitled, An act (here insert the title of the act in consequence of which the suit is brought) to be paid to the treasurer of the state of New-York for the time being, for the use of the people thereof, when re-

Seventh section of an act relative to paying monies into the treasury.  
† 10th Feb. ch. 102.

quired, and to give the special matter in evidence. And no such action or suit shall be abated or discontinued by the death, resignation, or removal from office of the treasurer, but shall and may be continued, and prosecuted to effect, by his successor in office.

**XXIX.** *And be it further enacted by the authority aforesaid,* That all that part of the county of Montgomery, beginning at the intersection of the partition line between this state and the commonwealth of Massachusetts, and the Pennsylvania line, and running from the said point of intersection due north, along the said partition line, to the distance of two miles north of the Tioga-River; thence with a straight line to the Owego-River, to intersect the said river at the distance of four miles on a straight line, from the confluence thereof with the Susquehannah; thence down the Owego and Susquehannah, to the Pennsylvania line, and thence along the same to the place of beginning, shall be, and hereby is erected into a town by the name of Chemung. And further, That the freeholders and inhabitants of the said town, shall be, and hereby are empowered to hold town-meetings, and elect such town-officers as the freeholders and inhabitants of any district or town in the said county of Montgomery, may do by law: And that the freeholders and inhabitants of the said town, and the town-officers by them to be elected, shall have the like powers and privileges as the freeholders, inhabitants and town-officers of any other town in the said county are or shall be entitled to; and that the first town-meeting shall be held at such time and place as James Clinton, John Cantine and John Hathorn, or any two of them shall, by writing under their hands, direct and appoint.

A certain part of Montgomery county erected into a town by the name of Chemung, with the same privileges as other towns.  
Altered,  
 14th sess. ch. 10.

**XXX.** And whereas it is represented to the legislature, that divers persons have been guilty of raising wiers and other obstructions in the Susquehannah river within this state, whereby the navigation thereof has been rendered dangerous, and the free course of the fish up the same river impeded and diverted: For remedy whereof, *Be it further enacted by the authority aforesaid,* That if any person or persons shall raise, erect or build, or cause to be raised, erected or built, any such wier or other obstruction whatsoever in the same river, in any part of this state, he or they shall respectively forfeit the sum of five pounds for each offence, to be recovered with costs of suit, before any court having cognizance thereof, by any person or persons who will sue for the same.

Any person raising any obstructions in the Susquehannah river, to forfeit \$1.

**XXXI.** *And be it further enacted by the authority aforesaid,* That the exemption to such persons as have formerly served as officers in the army or militia, by the act, entitled, *J. An act to regulate the militia, or the amendment to the said act,* shall not be understood to extend to any such persons then being officers, who have gone over to and joined the enemy in the late war.

Exemptions from militia duty, not to extend to persons who joined the enemy in the late war.  
§ 9th sess. ch. 25.

**XXXVIII.** And whereas that part of the county of Albany, heretofore the townships of Schoharie and Duaneburgh, is now united into one town, which from its extent is inconvenient to the inhabitants: Therefore, *Be it*

*further enacted by the authority aforesaid,* That from and after the first day of April, in the year of our Lord one thousand seven hundred and eighty-nine, the said township of Duaneburgh, bounded on the north by the county of

A certain part of the county of Albany erected into a town, by the name of Duaneburgh.

Montgomery, on the west by Schoharie-River, and the Schoharie patent, on the south by the north bounds of lands granted to Johannis Lawyer and others, and the south bounds of lands granted to captain Jonathan Brewer, and the manor of Rensselaerwyck, and on the east by the west bounds of lands belonging to the Dutch church of Schenectady, and the west bounds of the settlement called Corry's Brook, shall continue and be a town, by the name of Duaneburgh, with all the rights, privileges and immunities which are granted to other towns within this state, by an act of the legislature passed in this present session, entitled, An act for dividing the counties of this state into towns; and that the first town-meeting of the inhabitants of the said town, shall be held at the dwelling-house now occupied by Nicholas Beghter, in the said town, on the first Tuesday in April, in the year aforesaid.



## LAWS OF THE STATE OF NEW-YORK,

PASSED IN THE TWELFTH SESSION OF THE LEGISLATURE,  
HELD AT THE CITY OF ALBANY.

### CHAP. I.

*An ACT for the more speedy Recovery of Legacies.*

Passed 5th January, 1789.

**L** *BE* *is enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for any person, and his or her executors or administrators, to whom any legacy or bequest of any sum or sums of money, or other personal goods or chattels, or any residuary part of any personal estate hath been or may be given by the testament or last will of any person; to commence, sue and prosecute an action of debt, detinue or account, as the case may happen, for such legacy after it becomes due, in the supreme court, or any other court of record in this state; and if it shall appear or be found, that the legacy for which such suit shall be brought, is due, and there be sufficient assets in the hands of the executors to discharge the debts of the testator, and the legacy or legacies bequeathed, the plaintiff shall recover such legacy; but in case there shall be assets to discharge all the debts of the testator, with an overplus not amounting to a sum sufficient to pay all the legacies that may be given, then an abatement shall be made in proportion to the legacies so given, and the plaintiff shall recover only a proportional part of his or her legacy; and where any legatee is or shall be under the age of twenty-one years at the time such legacy shall become due, in such case every such legatee shall and may maintain an action for his or her legacy so given, by guardian or next friend, as fully and amply as by law he or she may do in any other action whatsoever.

*II. And be it further enacted by the authority aforesaid,* That the respective courts in which any such action shall be commenced, or prosecuted, upon the plea of want of assets to pay all the debts and all the legacies, or when

such suit is brought for a residuary part or proportion of any personal estate or goods, may appoint auditors to examine the accounts of the executors, which auditors, after full hearing and examination thereof, at such time and place, or times and places as by them shall be appointed, with notice to the executors and plaintiff, or their respective attorneys, shall report how the accounts of the executors do stand, and how much assets will remain in their hands after payment of the whole of the debts, and what part of such remainder ought to go towards paying the demand of the plaintiff, if it is not sufficient to pay the whole, and the court shall thereupon give judgment and award execution for such sum as the plaintiff ought to recover: But if the plaintiff shall discontinue his suit or become non-suited, or judgment be given against him, or if nothing be found due to him, then the defendants shall have judgment to recover their costs of suit against such plaintiff: And in case the plaintiff shall recover only a part of his demand for want of assets to discharge the whole, then, when further assets come to the defendant's hands, the plaintiff may have a resumption against the defendants, and recover the residue of the monies due to him, or his proportion of such assets; and the court is hereby empowered upon the exception of either party, and hearing the parties, to correct and amend any mistakes or errors in such report, or the accounts so reported.

III. *And be it further enabled by the authority aforesaid,* That the court in which any such action may be brought or prosecuted, shall, upon consideration of the report of the auditors, and the accounts of the executors, and the nature of the action, and the proceedings therein, award the costs of the suit or of either party to be paid out of the testator's estate, or by either of the parties, according to justice and equity, and in case the executors have been faulty in delaying to pay the legacy demanded, or a proportional part thereof, without sufficient excuse, then the court may award costs against the executors, to be paid out of their own estate; any thing herein contained to the contrary notwithstanding.

IV. *Provided always, and be it further enabled by the authority aforesaid,* That no such suit shall be maintained for any such legacy or bequest, until reasonable demand be made of the executor or executors, who ought to pay the same, and an offer of two sufficient sureties to the said executor or executors, who, if they shall think proper to accept thereof, shall become bound to them the said executors, in double the sum of the said legacy, with condition, That if any part, or the whole thereof, shall at any time after appear to be wanting to discharge any debt or debts, legacy or legacies, which the said executors may not have other assets to pay, then, and in such case the said legatee will return the said legacy, or such part thereof as may be necessary for the payment of the said debts, or for the payment of a proportional part of the said legacies; and if the said executors shall not think proper to accept thereof, then the said legatee shall file such bond, the same and the securities being first approved of by the court, in the office of the clerk thereof, before obtaining any process against the said executors, otherwise the same process shall abate; but where there are several legatees, and a return of part of the said legacy shall afterwards appear necessary, each legatee shall only be compelled to return a proportional part of his legacy, so as to make up the whole sum wanting.

V. *And be it further enabled by the authority aforesaid,* That where no time, in and by any testament or last will, is or shall be limited for the payment of any legacy or legacies

Where executors shall have a year to pay legacies.

thereby given or bequeathed, then, and in every such case, the executors shall have the space of one year to discharge the same ; any law, usage or custom to the contrary notwithstanding.

*VI. And be it further enacted by the authority aforesaid,*  
That this act shall be construed and taken to extend to all persons to whom letters of administration have been, or shall be granted with a will annexed, as fully, to all intents, constructions and purposes whatsoever, as if they were the executors named in such will.

*VII. And be it further enacted by the authority aforesaid,*  
That all persons who have, or hereafter may have a right to any share or shares in the personal estate of any intestate, shall have the like remedy against the administrators, for the recovery of the said share or shares, as by this act is given to legatees against executors, and be under the same rules and regulations ; any law, usage or custom to the contrary notwithstanding.

*VIII. And be it further enacted by the authority aforesaid,*  
That all lawful acts done, or to be done by any administrator, before notice of a will ; and all sales of goods and chattels made by an administrator, bona fide, before such notice, shall stand and remain good, and shall not be impeached or altered by any executor or executors, on any will appearing afterwards. Provided always, That such executor or executors, shall have the same remedy against the administrators, for the goods, chattels and credits remaining unadministered, as he, she or they might have had before the making of this act.

*IX. And be it further enacted by the authority aforesaid,*  
That no action shall be prosecuted in consequence of this act, by any infant, by his or her guardian or next friend, until such guardian or next friend shall have executed and filed, in the office of the clerk of the court in which such action shall be depending, a bond to the said infant, in such sum and with such surety, as the said court shall approve, conditioned, that such guardian or next friend shall duly account to the said infant, when he or she comes of age ; or in case of his or her death, to his or her executors or administrators, for all such money as shall be received on account of such legacy.

## C H A P. II.

### An ACT concerning stray Cattle and Sheep.

Passed 8th January, 1789.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That every person who at any time hereafter, between the first day of November and the first day of April, in any year, shall have any strayed neat cattle or sheep, upon his or her inclosed land, shall within twenty days after the coming of such strayed neat cattle or sheep into his or her inclosed land, deliver unto the clerk of the city or town where such neat cattle or sheep shall happen to be, a note in writing, containing their several ages, colours and marks, natural and artificial, as near as may be, together with his or her name and place of abode ; and such clerk shall, on receipt of every such note, make a full entry thereof at large in a book to be provided by him for that purpose ; and such clerk shall have for making such entry the sum of

six-pence per head for all the neat cattle, and the sum of two-pence for each sheep so entered as aforesaid, to be paid to him by the person delivering such note; and the person delivering such note, shall have for doing the same, nine-pence per head for all neat cattle, and two-pence for every sheep described in such note, and may detain such cattle or sheep until the owner thereof shall appear and pay the same, together with the sum paid or due to the clerk for the said entry, and all reasonable charges for keeping the same cattle or sheep.

*When and how stray cattle and sheep are to be sold, if no owner appears, or if he refuses to pay expenses.*  
 II. *And be it further enacted by the authority aforesaid,* That if no owner shall appear to claim the said cattle or sheep, on or before the first day of May next after such entry so made, or if the owner shall refuse or neglect to pay for giving such notice, and making such entry, and keeping such cattle or sheep, then the possessor, or person who shall have kept them and given such notice as aforesaid, is hereby authorized to sell them at vendue to the highest bidder, first giving at least twenty days notice of the time and place of such sale, by advertisements to be put up at three of the most public places in the city or town where the said neat cattle or sheep have been kept; and out of the monies arising by such sale, to retain in his or her hands, for his or her own use, the sums due as aforesaid for such notice, entry and keeping of the same cattle or sheep; and shall, upon demand, pay the residue, after deducting the charges of such sale, to the owner of the same cattle or sheep: But if the owner of such cattle or sheep shall not appear and demand the same money within one year next after such sale, he or she shall be, and hereby is forever precluded and barred from recovering any part of the money arising by such sale; and the same money, after such deductions as aforesaid, shall in such case be paid to the overseers of the poor of such city or town, for the use of the poor thereof; and the receipt of the said overseers shall be a legal discharge to the possessor, or person who shall have kept such cattle or sheep; and if such possessor shall not, within thirty days after the expiration of the said year, pay the remaining money arising by such sale, after the deductions aforesaid, to the overseers of the poor of the place where such neat cattle or sheep were taken up and sold as aforesaid, he or she shall forfeit double the sum so remaining in his or her hands, for the use of the poor of the same place; to be recovered over and above, and together with the said remaining money, with costs of suit, by the overseers of the poor of the same place for the time being, by action of debt, bill, plaint or information, in any court having cognizance thereof.

*Possessors of stray cattle or sheep, not giving notice, lose their demand, and forfeit 20s.*  
 III. *And be it further enacted by the authority aforesaid,* That every person who shall at any time hereafter, between the first day of November and the first day of April, in any year, knowingly have any such neat cattle or sheep as aforesaid, on his or her inclosed land, or in his or her possession, and do not acquaint the owner or owners therewith, or give the notice prescribed by this act, within twenty days thereafter, shall not only lose any demand he or she might otherwise have for keeping and feeding the same neat cattle or sheep, but shall also forfeit to the owner thereof, the sum of twenty shillings for every neglect; to be recovered before any justice of the peace in the county where such neglect shall happen, with full costs of suit.

IV. *And be it further enacted by the authority aforesaid,* That the books to be provided and kept by the respective clerks of each city and town as

aforesaid, shall always by them be kept free and open for any person to search therein, and for which search no fee shall be taken by such clerk, on penalty of forfeiting five shillings for every offence, to be recovered by the party aggrieved, with costs of suit, before any justice of the peace in the county where the offence shall be committed.

### C H A P. III.

*An ACT to prevent the odious Practice of digging up and removing, for the Purpose of Dissection, dead Bodies interred in Cemeteries or Burial Places.*

Passed 6th January, 1789.

**W**HEREAS the digging up dead bodies, interred in cemeteries and burial places within this state, and removing them for the purpose of dissection, has occasioned great discontent to many of the inhabitants of this state, and in some instances disturbed the public peace and tranquility: To prevent such odious practices in future,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same.* That any

Persons digging up to dissect, or dissecting any dead human body, or aiding therein, how to be punished.

person, who shall at any time hereafter, for the purpose of dissection, or with intent to dissect, dig up, remove or carry away, or be aiding or assisting in digging up, removing or carrying away any dead human body, which shall have been interred in any cemetery or burial place within this state, or shall dissect, or aid, abet or assist in dissecting such human body, and shall be convicted of any of the said offences in the supreme court, or in any court of oyer and terminer, gaol delivery, or court of general sessions of the peace, shall be adjudged to stand in the pillory, or to suffer other corporal punishment, not extending to life or limb, and shall also pay such fine, and suffer such imprisonment as the court before whom such conviction was had, shall in their discretion think proper to direct.

II. And in order that science may not in this respect be injured by preventing the dissection of proper subjects, *Be it further enacted by the authority*

The bodies of certain criminals after execution, to be delivered to surgeons for dissection.

*aforesaid,* That the justices of the supreme court, or of any court of oyer and terminer, or gaol delivery, in this state, from time to time, when any offender shall be convicted before them, or either of them, of murder, arson or burglary, for which he or she shall be sentenced to suffer death, may, at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection; and the sheriff who is to cause such sentence to be executed, shall accordingly deliver the body of such offender, after execution done, to such surgeon as such court shall direct, for the purpose aforesaid. Provided always, That such surgeon, or some other person by him appointed for the purpose, shall attend to receive and take away the dead body, at the time of the execution of such offender.

### C H A P. IV.

*An ACT to authorise the Justices of the Supreme Court to appoint the Places of holding the Circuit Courts within the Cities and Counties of New-York and Albany.*

Passed 16th January, 1789.

§ 92d Sess. Ch. 41. **W**HEREAS by an act, entitled, † An act for regulating trials of issues, and returning able and sufficient jurors, passed the 19th April, 1786, it is made necessary for the circuit courts

to be held at the court-house, if any there be, of the respective counties within this state: which provision hath been found inconvenient, so far as the same respects the cities and counties of New-York and Albany: Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the circuit courts which shall hereafter be appointed in pursuance of the act aforesaid, to be held in the city and county of New-York, or in the city and county of Albany, shall be held at such place within the same respectively, as the supreme court at the time of appointing the said circuit courts, shall for that purpose direct: any thing in the said act to the contrary notwithstanding.*

## C H A P. X.

*§ 11th Ed. ch. 92. An ACT supplementary to the Act, entitled, "An Act for giving Relief in cases of Insolvency."*

*Passed 23th January, 1789.*

**W**HEREAS by the laws in being within this state, executors or administrators have no authority to become petitioning creditors for any insolvent debtor, nor to consent to his discharge; and as at their own risque, whereby it may frequently happen that the estates of their testator or intestate may be injured: therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That in all cases where executors or administrators think it would be proper for them to become petitioning creditors for any insolvent debtor, in the manner prescribed in and by the act, entitled, "An act for giving relief in cases of insolvency, such executors or administrators may present a petition to the chancellor of this state for the time being, stating the reasons which induce them to think it advisable for them respectively to become petitioning creditors as aforesaid, whereupon the said chancellor shall and may, as soon as he shall deem it convenient, examine the allegations and reasons contained in such petition, in a summary manner; and if he shall thereupon be of opinion, that it will not be disadvantageous to the persons interested in the personal estate of such testator or intestate, that the said executors or administrators should become petitioning creditors as aforesaid; then, and in every such case, he shall cause an entry of such opinion to be made in the minutes of the court of chancery; and thereupon the said executors or administrators shall be fully authorized to become petitioning creditors as aforesaid, and shall be only chargeable with such sum or sums of money as shall come to their hands from the estate of the insolvent; any law, usage or custom to the contrary notwithstanding.*

## C H A P. XI.

*An ACT to erect Part of the County of Montgomery into a separate County, by the Name of Ontario.*

*Passed 27th January, 1789.*

**W**HEREAS the county of Montgomery is so extensive, as to be inconvenient to those who now are, or may hereafter settle in the western part of that county: Therefore,



I. *As it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all that part of the county of Montgomery, which lies to the westward of a line to be drawn due north to lake Ontario, from the mile stone or monument marked eighty-two, and standing in the line of division between this state and the commonwealth of Pennsylvania, shall be one separate and distinct county, and be called and known by the name of Ontario.*

Altered;  
14th Sept. ch. 10.

II. *And be it further enacted by the authority aforesaid, That there shall be held in and for the said county of Ontario, a court of general sessions of the peace, and a court of common pleas, at such suitable and convenient place within the said county, as such judges of the court of common pleas, and such justices of the court of sessions, as shall be appointed for the said county, or a majority of them may direct; and that there be in the said county, two terms in every year, to commence and end on the days following, viz. The first term to commence on the first Tuesday in June, and to end on the Saturday following; and the second term to commence on the first Tuesday in November, and to end on the Saturday in the same week; provided that in any of the said terms the court may adjourn previous to the day above limited for the termination thereof, if the business of the court will permit; and that the first court of general sessions of the peace and first court of common pleas in the said county, shall be held on the first Tuesday in November next.*

Now the county of Ontario shall be divided into districts.

III. *And be it further enacted by the authority aforesaid, That until other legislative provision shall be made in the premises, it shall and may be lawful, to and for the justices of the court of sessions for the said county of Ontario, or a majority of them at any general session, or at any special session to be held for the purpose, and they are hereby authorized, to divide the said county into two or more districts, as they shall deem expedient and convenient to the inhabitants; and that the said justices at any such session as aforesaid, shall fix and direct the place or places in each of the districts so to be made, at which the first meetings for electing town officers shall be held; and all future meetings in any district shall be held at such place as a majority of the inhabitants thereof shall, by open vote at any town meeting, appoint.*

Rights of the freeholders and inhabitants in the districts.

IV. *And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the said county, and of every such district therein, shall be, and they hereby are declared entitled to all the rights, privileges and immunities which the inhabitants within any other county, district or town within this state are, or may be entitled to by the constitution and laws of this state,*

[The 5th section of this act is obsolete.]

Now elections are to be held;  
14th Sept. ch. 15.

VI. *And be it further enacted by the authority aforesaid, That all district or town meetings to be held in the said county of Ontario, for the purpose of electing state officers, shall be held and conducted in the manner directed by the act entitled, An act for regulating elections, passed the 13th February, 1789. That all district or town meetings to be held in the said county, for the purpose of electing district or town officers, shall be held in the manner directed by the act,*

† 11th sess. ch. 64. entitled, † An act for dividing the counties of this state into towns, passed the 7th March, 1788; and that the state and district, or town officers, shall be respectively liable to all the duties enjoined on them by the laws of the state, and be subject to all the fines, pains and penalties for neglect of duty or mal-conduct, as are directed by law.

VII. *And be it further enacted by the authority aforesaid,* That until a goal shall be provided in the said county of Ontario, it shall and may be lawful to and for the officers and ministers of justice in the said county, to commit any person charged with the commission of any capital offence in the said county of Ontario, to the common goal of the county of Montgomery; and that it shall not be the duty of the justices of the supreme court, to hold a

Circuit courts when to be held.

† 9th sess. ch. 41.

circuit court once in every year, in the said county of Ontario, unless in their judgment they shall deem it proper and necessary, any thing in the act, entitled, † An act for regulating trials of issues, and for returning able and sufficient jurors, to the contrary notwithstanding. *Provided always, and it is hereby declared,* That nothing in this act shall be so construed as to imply that any state tax can or will be levied within the said county of Ontario, until the expiration of the exemption stipulated by the deed of cession and agreement between this state and the commonwealth of Massachusetts.

#### C H A P. XIV.

*An ACT for the better clearing, regulating and further laying out, public Highways in Suffolk County, King's County, and Queen's County.*

Passed 2d February, 1789.

**I. B** *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,*

The power and duty of the commissioners of highways.

That the commissioners of the highways for the time being, to be elected or appointed in each of the several towns in Suffolk county, King's county, and Queen's county, for the same towns, or the major part of them, in the respective towns for which they shall be chosen or appointed commissioners, shall be, and hereby are authorized and empowered to regulate the roads already laid out, and to lay out such other public roads in the respective towns for which they shall be elected or appointed commissioners, as to them, or the major part of them, shall seem necessary and convenient, and if need be, from time to time, to take a view of the roads before laid out in the respective towns for which they shall be elected or appointed commissioners, and to alter such of the said roads as shall appear to them, or the major part of them, to be inconvenient, in such manner as they, or the major part of them, shall think convenient, as well for travellers as for the inhabitants of such town, and the adjacent towns, villages and neighbourhoods; and it shall and may be lawful for the commissioners of each respective town, or the major part of them, to stop up such roads in the said town as shall appear to them, or the major part of them, to be unnecessary: But all such roads as shall be found by them, or the major part of them, to be necessary and convenient, shall remain and continue as the same shall be found by the said commissioners. *Provided always,* That it shall not be lawful for the said commissioners, or any of them, to lay out any road through any person's land, without either the consent of the owner thereof, or paying him the true value of the land so laid out into a highway or road, with such damages as he shall sustain

No road to be laid out through any person's land without consent of the owner or payment of damages.

thereby: And if any dispute shall arise concerning the value of the land or damages, the same shall be determined, and the true value and damages set and appraised, by two justices of the peace of the county, by the oath of twelve freeholders of the county not having any interest in the land about which such dispute shall arise, the said freeholders to be summoned by the sheriff, by virtue of a warrant to be issued by the said two justices for that purpose; and in all cases of public highways so laid out or altered as aforesaid, the value of the lands and damages, together with the charges of the commissioners, and the charges of summoning the jury, and of their verdict, and of the whole proceedings had thereon, shall be raised in the town where such highway shall be laid out, and be levied and paid in like manner as the other contingent charges of the county; and the highway so laid out, shall be a common public highway: But if the road so laid out or altered, be for the private use and benefit of any particular person or persons, then the value of the land, damages and charges aforesaid, shall be paid by the person or persons who desire the same to be laid out or altered, and such road shall be for the only proper use of such person and persons, and his and their heirs and assigns, who shall pay for the same; but the person through whose land such road shall be laid out, his heirs or assigns, shall not be debarred from crossing or using the same road.

II. *And be it further enacted by the authority aforesaid,* That where any road hath been laid out contiguous to, or through any person's land, in any town, and it shall appear to the commissioners of the same town, or the major part of them, that another road may be laid out through the same person's land, that would be more convenient, as well for travellers as for the inhabitants of the same town, it shall and may be lawful for the said commissioners, or the major part of them, to agree with the owner or proprietor of the same lands concerning the same, and to exchange the said road already laid out, for another road to be laid out by the said commissioners through the said person's land; which agreement shall be good and valid in the law, and the owner or proprietor of such land shall hold and enjoy the land where such former road was laid out, to him and his heirs and assigns forever.

III. *And be it further enacted by the authority aforesaid,* That the commissioners of every town shall, from time to time, enter in writing, all the highways and roads by them laid out, approved of, altered or stopped up, and subscribe the same writing, and cause it to be recorded in the town records or in the county records, and the several clerks are hereby directed and required to record the same; and whatsoever the said commissioners shall do according to the powers given them by this act, being so recorded, shall be good and valid to all intents and purposes whatsoever.

IV. *And be it further enacted by the authority aforesaid,* That all public highways to be laid out by virtue of this act, shall not be less than three rods wide; and that all roads to be laid out at the request and for the use and benefit of any particular person or persons, shall not be less than twenty feet, nor exceed two rods in breadth.

V. *And be it further enacted by the authority aforesaid,* That where any road from any town, village or plantation, to any landing place, mill or meadow, shall run through any person's land, it shall and may be lawful for such person or persons, by the approbation of the commissioners of such town, to place and

Where swinging gates may be hung.

The breadth of public and private roads.

hang good easy swinging gates on such roads, and keep them in good repair, at his and their own proper costs: But no roads leading into, or out of any commons, where the cattle belonging to any town or village usually pass to and from such commons, shall be clogged or obstructed by any swinging gates or otherwise, without the consent of the inhabitants of the said town or village, or the major part of them, and the several gates already standing and allowed, may be approved and continued, or altered or removed, as the commissioners shall, from time to time, judge most convenient; and all such roads shall be amended and maintained by the inhabitants of the place where such roads may run.

*VI. And be it further enacted by the authority aforesaid,* <sup>Penalty for stopping up, or obstructing any highway.</sup> That if any person shall alter, stop up, lessen, or obstruct any highway or road already laid out, or hereafter to be laid out according to law, without the consent of the commissioners, every such person shall, for every such offence, forfeit the sum of forty shillings, to be recovered with costs, before any justice of the peace, upon the oath of any one credible witness, and levied of the goods and chattels of the offender, by warrant from such justice, directed to the constable of the town or place where such offence is committed; and the constable shall pay the said forfeiture and costs, to such justice, who shall pay the said forfeiture to the overseers of the highways of the place where the offence is committed, to be by him applied towards repairing the public highways in his district.

*VII. And be it further enacted by the authority aforesaid,* That each commissioner shall have, as a reward for his care and trouble, for every day he shall be employed in laying out or regulating highways and roads in the town for which he shall be chosen or appointed, the sum of six shillings, and the commissioners of each town shall transmit their accounts to the supervisors of the county, who shall cause the sums they shall find to be due to the said commissioners (except in cases where they are to be paid by particular persons) to be raised in the town where they were chosen or appointed commissioners, together with the necessary contingent charges of the county, and to be paid to the said commissioners.

*VIII. And be it further enacted by the authority aforesaid,* <sup>Highways to be repaired by the inhabitants of each town.</sup> That the freeholders and inhabitants of each town in the said counties shall clear, amend, repair and maintain the highways in the same town; and that every free male inhabitant, being above the age of twenty-one years, shall either in person, or by an able and sufficient man in his room, be obliged to work upon the highways in the district or place where he shall reside, as often as the overseer of the highways of the same district or place shall direct, not exceeding six days in the year, and shall work faithfully at least eight hours in each day, and shall bring with him such team and such implements for the purpose as the said overseer of the highways shall, from time to time, direct and appoint; and if any person shall refuse or neglect to work upon the highways as aforesaid, he shall forfeit and pay to the overseer of the highways of the district or place where he shall reside, nine-pence for every hour he shall so refuse or neglect to work; and if the said penalty is not paid within six days after the same shall be incurred, it shall be levied with four shillings costs, by a warrant under the hand and seal of the said overseer of the highways, directed to one of the constables of the town where the neglect or refusal happens, and such constable shall levy the same by distress and sale of the goods and chattels of the offender, and pay the said penalty to the said overseer of the highways.

with one shilling for the said warrant, and retain the other three shillings for his fees; and the said penalty shall be applied by the said overseer of the highways, towards amending and repairing the highways in the district: Provided always,

*Slaves in Suffolk*  
That all male slaves in the county of Suffolk, above the age of sixteen years, and under the age of sixty years, shall be obliged to work on the highways in the district where they live, when the overseer of the highways shall direct, not exceeding two days in a year, and the penalties for default or neglect, shall be levied on the goods and chattels of the master or mistress of such slave.

*A team and person to manage it, circum-  
stanced in lieu of two  
days work.*  
IX. And be it further enacted by the authority aforesaid, That a good and sufficient team, with a cart, waggon, plow, or sled, and a person to manage the same, shall be esteemed for, and in lieu of two days work of one man, and the penalty for refusal or neglect shall be proportionable, and shall be levied and applied in the manner aforesaid.

*The duty of over-  
seers of highways.*  
X. And be it further enacted by the authority aforesaid, That the respective overseers of the highways of the respective districts or places, for which they shall be respectively chosen or appointed, shall, from time to time, direct when, where, and in what manner the highways and roads in their respective districts shall be cleared, amended and repaired, and oversee and direct how the same shall be done, and shall warn the inhabitants to work upon the highways whenever there shall be occasion.

*Justice may order  
the overseer of the  
highways to cause  
roads to be repaired.*  
XI. And be it further enacted by the authority aforesaid, That any justice of the peace in any town in either of the said counties, may order the overseer of the highways of any district in such town, to cause the highways or roads in his district, or any part or parts of them, to be cleared, amended or repaired, whenever it shall appear to such justice to be necessary; and such overseer of the highways shall, within eight days thereafter, warn and set the inhabitants of such district, or such of them as shall not have worked the full number of days, to work upon the said highways or roads, or such part or parts thereof as he shall be so ordered to clear, amend or repair; and if any overseer of the highways shall neglect or refuse to do so, he shall, for every such neglect or refusal, forfeit and pay the sum of forty shillings, to be recovered with costs, before any justice of the peace in the same county, upon the oath of any credible witness; and the said penalties, when recovered, shall be paid to the commissioners of highways of the same town, and be by them applied towards the repairing the highways in the same town.

XII. And be it further enacted by the authority aforesaid, That all trees and wood standing in any highway may be cut down and removed, or used for repairing the same, or any other highway; but such as is not used for that purpose, may at any time be cut down by the owner of the land through which such highway runs, and applied to his own use.

*Penalty for injuring  
or obstructing high-  
ways, or affrighting  
horses or travellers.*  
XIII. And be it further enacted by the authority aforesaid, That if any person shall wantonly damage any road, bridge or causeway, or fence across any road or highway in any of the said counties, or erect or set up any gate thereon, or put or leave in any of them any unnecessary obstructions without leave of the said commissioners; or if any person shall leave a dead horse, or the carcass of any other beast, or any broken carriage in any road or highway, for any longer time than may be necessary to remove the same, or set up

in or near any road or highway, any thing by which horses are usually affrighted, or shall by any improper behaviour affright any horse or traveller on any road or highway, every such person shall, for every such offence, forfeit and pay, to the overseer of the highways of the district where the offence shall be committed, the sum of forty shillings, to be recovered by the said overseer of the highways, with costs of suit, by action of debt, before any court having cognizance thereof, and when recovered, shall be applied to the repairing and improving the roads or highways within such district, in such manner as the overseer of the highways shall think best.

XIV. *And be it further enacted by the authority aforesaid,* That in all cases of persons meeting each other in carriages, waggon, carts, or sleighs, on any road or highway in King's county, or on the main road to the westward of the Great Plains, in Queen's county, those who are not going towards the city of New-York, shall give way to such as are going towards the city of New-York, under the penalty of forty shillings for every offence, to be recovered, with costs of suit, by any person who will sue for the same, before any justice of the peace of the county where the offence is committed; the one half of which penalty shall be for the use of the person who shall prosecute for the same with effect, and the other half thereof shall be paid to the commissioners of the highways of the town where the offence was committed, and be by them applied towards the repair of the highways in the same town.

XV. *And be it further enacted by the authority aforesaid,* That the second section of the act entitled, *§ 4th. sec. ch. 38.* An act to amend an act, entitled, An act for the better laying out, regulating and keeping in repair, all common and public highways and private roads in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany and Montgomery, passed the 4th day of May, 1784, and to extend the same to the county of Suffolk, shall be, and hereby is repealed.

#### C H A P. XVII.

*An ACT relative to the Mayor's Courts of the Cities of Albany and Hudson;*  
Passed 6th February, 1789.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no action shall be commenced in the mayor's court of the city of Albany, or the mayor's court of the city of Hudson, unless in such cases in which the cause of action arose within the jurisdiction of such courts respectively.

II. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the mayor, recorder and aldermen of the city of Albany, or such of them as shall at any time hold the mayor's court in and for the said city, from time to time, to adjourn the said court for any time, not exceeding six weeks; any law, usage or custom to the contrary notwithstanding.

#### C H A P. XVIII.

*An ACT relative to Mines.*

Passed 6th February, 1789.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

That every person who heretofore has, or hereafter shall make discovery of any mine or mines of gold or silver, within this state, and the executors, administrators or assigns of such persons, shall be, and hereby is and are exempted, acquitted, released and discharged of and from paying or yielding to the people of this state, as sovereign thereof, or to any commissioner, agent, collector or receiver, for their use, any part, share, portion or dividend whatsoever, of the ore, produce or profit of such mine or mines, for, during and until the full end and term of twenty-one years, to be computed from the time of giving notice of such discovery in the manner herein after directed.

II. *And be it further enabled by the authority aforesaid,* That every person discovering, or having discovered a mine or mines of gold or silver within this state, shall, before he presumes to work the same, give notice thereof, by information in writing, to the secretary of this state, describing particularly therein the nature and situation of the same, which notice shall be registered in a book, to be kept by the said secretary for that purpose, and the secretary shall be entitled thereupon to the sum of ten shillings, and no more, for his services in registering such notice.

III. *And be it further enabled by the authority aforesaid,* That no person or persons shall, on any pretext whatsoever, presume to work or intermeddle with any mine or mines of gold or silver, within this state, after the expiration of the term during which he, she or they is or are privileged as above specified, until he, she or they shall have previously obtained permission of the legislature of this state for that purpose, on such conditions and limitations as the legislature shall deem proper and expedient.

IV. *And in order to give every reasonable advantage to persons making discovery of such mines as aforesaid, Be it further enabled by the authority aforesaid,* That in all treaties with the legislature for the working of such mines, the person or persons who made discovery of the same, or his, her or their executors, administrators or assigns, shall have the offer of being a party and privy thereto, and shall, in every treaty for working the same, have the preference of all other persons whomsoever.

V. *Provided always,* That nothing herein contained shall be construed to give any person a right to dig or break up the soil or ground of any person or persons, bodies corporate or politic, or of the people of this state, or to work any mine in the same, unless the consent of the owner or owners of such soil or ground, is, for that purpose, previously obtained.

VI. *Provided also,* That nothing in this act contained, shall in any wise affect any grants heretofore made by the legislature of this state to persons having discovered mines.

VII. *And be it further enabled by the authority aforesaid,* That all and every person and persons, being a citizen or citizens of any of the United States of America, who now are, or hereafter shall be the owner or owners of any mine or mines, within this state, wherein any ore now is or hereafter shall be discovered, opened, found or wrought; of which, upon an average, two equal third parts, or more in value, are copper, tin, iron and lead, or any of those metals, shall and may hold and enjoy the same mine or mines, and ore, and continue in the possession thereof, and dig and work the said mine or mines, or ore, notwithstanding that such mine or mines, or ore, shall be pretended or claimed to belong to the people of this state, as the sovereign thereof; any law, usage or custom to the contrary notwithstanding.

C H A P. XIX.

*An ACT for the Punishment of disorderly Persons in the City of New-York.*  
Passed 6th February, 1789.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the mayor, recorder and aldermen of the city of New-York, for the time being, or any two of them, in all cases where by law they, or any of them, are authorised to inflict corporal punishment for any crime or misdemeanor, except under the act entitled, † An act for apprehending and punishing disorderly persons, to substitute at their discretion, instead of such corporal punishment, a confinement of the offender in the house of employment, or bridge-well belonging to the said city, to be kept at hard labor therein, or at any work or employment at any other place within the said city, for any period not exceeding six months, according to the nature of the offence; and also to confine and set to hard labor in manner aforesaid, and for any time not exceeding six months as aforesaid, all disorderly persons who have been legally removed from the said city, and shall have unlawfully returned without bringing a certificate from the city or town whereto they respectively belong, all common street beggars, and all idle persons not having visible means of livelihood, and who cannot give a good account of themselves, or find sufficient sureties for their good behaviour, who now are, or from time to time shall come into, or sojourn within the said city.

C H A P. XXII.

*An ACT to encourage the raising of Sheep, and to prevent Injury by Dogs.*  
Passed 18th February, 1789.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the collector or collectors in each respective town within this state, and they are hereby authorised and required, once in every year, during the continuance of this act, to demand and receive of and from the master or mistress of any family in which a dog or dogs are kept, or from a single person keeping a dog or dogs, the following sums, viz. If only one dog is kept by any family, or by any single person, the sum of one shilling; if two dogs are so kept, the sum of five shillings, and for every dog so kept above two, the further sum of eight shillings.

II. And be it further enacted by the authority aforesaid, That the collectors in each town shall respectively keep a book, and therein enter the name of every person in that part of the town for which he is collector, who shall keep a dog or dogs, specifying the number kept by each person, with the sum or tax collected from each person by virtue of this act, and shall deliver such book on oath, and pay the amount of the monies so collected, into the hands of the clerk of the town, to be disposed of for the purposes in this act directed, reserving to himself one shilling in the pound for all sums by him collected, and so paid as aforesaid; and in case any collector shall refuse or neglect to deliver such book on oath, or refuse or neglect to pay the money so by him in manner aforesaid collected, on or before the first day of February, in every year, and be thereof convicted before any justice of the peace,



such collector shall forfeit and pay unto the clerk of the town twice the sum for which such clerk shall be bound to account in manner herein after mentioned; which forfeiture shall be applied to and for the purposes directed by the seventh section of this act.

III. *And be it further enacted by the authority aforesaid.* That if any person or persons having property in, or keeping any dog of what kind soever as aforesaid, shall neglect or refuse to pay unto the collector or collectors of the respective towns, the sum or sums as aforesaid, it shall and may be lawful, and is hereby enjoined on, and made the duty of such collector or collectors, to commence and prosecute his or their action or actions, against any delinquent or delinquents, for the recovery of the same, with costs of suit, before any justice of the peace within the county; and if any person or persons shall deny that he, she or they have property in, or keep any dog, yet if it can be proved that such person or persons are in possession of, or suffer any dog to remain about his or her house for twenty days before the demand by any collector, he, she or they shall be deemed to be the owner or owners of such dog, and be liable to the payment of the tax aforesaid, to be recovered in the manner herein before directed; and if any dog shall keep about any person's house, and continue there for twenty days, and no person appears within that time to claim and take away such dog, it shall and may be lawful for such person, having such dog about his or her house, to keep or kill the same, at any time after the expiration of the said twenty days.

IV. *And be it further enacted by the authority aforesaid.* That when any person or persons, within any of the said towns, shall have sustained damages by his sheep being worried or killed by any dog, it shall and may be lawful for such person so sustaining damage, to call in the fence viewers of such town for the time being, who shall reside next adjacent to the person or persons, where such damage shall be sustained, and such fence viewers are hereby required and enjoined to view the sheep so hurt or killed; and if it shall appear to their satisfaction, or to the satisfaction of the major part of them, that such sheep were hurt or killed by a dog or dogs only, and that the owner or owners of such dog or dogs cannot be discovered, then the said fence viewers shall certify the amount of the damage so sustained, which certificate shall be a sufficient voucher to the clerk of the town for paying the sum in such certificate expressed; out of any monies which may, from time to time, come into his hands by virtue of this act. Provided always, That before such certificate shall be discharged by the clerk, the person or persons having sustained the damage therein mentioned, shall make oath before a justice of the peace, that he doth not know by whose dog or dogs such damage was occasioned, and that whenever the same shall come to his knowledge, he will give notice thereof to the clerk; which oath shall be endorsed on such certificate, and subscribed by such person or persons, as well as by the justice before whom the said oath shall be made.

V. *And be it further enacted by the authority aforesaid.* That whenever the clerk shall in any way whatsoever, discover by whose dog or dogs such damage was done, he shall, and is hereby authorized to sue for and recover such damage so by him paid, in the manner directed by the eighth section of this act, as if such damage had been immediately sustained by such clerk; and the monies so recovered shall be applied in the same manner as the said tax is directed to be applied.

VI. *And be it further enacted by the authority aforesaid.* That the clerk of every such town shall, immediately after every annual town election, enter

into bond to the supervisor of the town, in such sum as the supervisor and assessors then present, or the major part of them, shall direct; conditioned, That he will truly and faithfully account for the money so by him to be received, on the last day of the next annual town-meeting; and in case of default or non-payment of the monies which shall be in his hands at the time aforesaid, if thereunto required by the supervisor, it shall and may be lawful to the supervisor for the time being, to prosecute in his own name for the penalty in such bond expressed, which penalty, when recovered, shall be paid to the overseers of the highways of the same town, to be applied in like manner as the surplus money is directed to be applied by the seventh section of this act; and no action or suit to be commenced or prosecuted by any supervisor or town clerk, by virtue or in pursuance of this act, shall be abated or discontinued by the death, or the expiration of the office of such clerk or supervisor, but shall and may be continued and prosecuted to effect by the successors in office of the same clerk or supervisor.

VII. *And be it further enacted by the authority aforesaid,* That if at the end of any two years, there shall appear to be a surplus of money remaining in the hands of such clerk, it shall and may be lawful to and for the supervisor and assessors, or the major part of them, by writing under their hands, to direct such surplus money to be paid into the hands of such overseer or overseers of the highways, as they may deem proper, to be applied by such overseer or overseers in repairing bridges and roads in the town, as the commissioners of the highways shall direct.

VIII. *And be it further enacted by the authority aforesaid,* That if any dog shall kill or wound any sheep or lamb in this state, the owner or possessor of such dog, shall pay to the owner of such sheep or lamb so killed or wounded, the full value thereof, to be recovered with costs of suit before any justice of the peace of the county where such offence shall be committed, and levied by distress and sale of the goods and chattels of the owner or possessor of such dog; and if sufficient goods and chattels for that purpose shall not be found, then the owner or possessor of such dog shall be committed to the common gaol of the same county, there to remain until the damages and costs shall be paid or satisfied; and if the owner or possessor of such dog do not,

*And to kill such dogs, if in their power.*

within forty-eight hours after judgment so given against him or her, kill, or cause such dog to be killed, he or she shall forfeit the sum of twenty shillings, and the further sum of ten shillings for every forty-eight hours thereafter, until such dog shall be killed, unless it shall appear to the satisfaction of the justice before whom any suit shall be brought for the recovery of such forfeiture, that it was not in the power of the owner of such dog to kill the same; to be recovered, and levied with costs of suit in the manner aforesaid, to and for the use of any person who shall sue for the same.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons who shall see any dog chase, worry or wound any sheep or lamb, to kill such dog; and if such person do not, or cannot kill such dog, he shall give notice thereof to the owner or possessor of such dog; and if such dog shall not be killed within forty-eight hours after such notice, the owner or possessor of such dog shall forfeit the sum of twenty shillings, and the further sum of ten shillings for every forty-eight hours thereafter, until such dog shall be killed, unless it shall

*Dogs chasing sheep, may be killed by any person;*

*And if not killed, notice to be given to the owner.*

appear to the satisfaction of the justice before whom any suit shall be brought for the recovery of such forfeiture, that it was not in the power of the owner of such dog to kill the same; to be recovered and levied in the manner aforesaid, to and for the use of any person who shall sue for the same. *Provided always*, That nothing in this act contained, shall prevent any shepherd from making use of dogs to drive or turn sheep under his care, or to prevent any other person from making use of dogs to drive his own sheep.

X. *And be it further enacted by the authority aforesaid*, That the assessors in every town within this state, shall annually, when they make an estimate of the personal property of the inhabitants thereof, take an account of the number of sheep kept by each inhabitant, and if such number exceeds fifty, the assessors shall only consider the excess as taxable property, and shall rate such excess and no more.

XI. And whereas accidents are frequently occasioned by dogs running into the highways and attacking travellers: To prevent which, *be it further enacted by the authority aforesaid*, That if any dog shall run

Justices of the peace may order dogs, dangerous to peaceable travellers, to be killed by the owners.

out of any person's house or inclosure, and shall attack any person peaceably travelling on any highway, or shall attack any horse in any carriage, or on which any person is mounted, and complaint thereof be made to any justice of the peace, and if it shall appear to the satisfaction of such justice, that such complaint is well founded, and that such dog is dangerous to travellers, it shall be the duty of such justice to order and direct the owner of such dog to kill the same, and if such owner doth not, within forty-eight hours after having received such order, kill or cause such dog to be killed, he or she shall forfeit the sum of twenty shillings, and the further sum of ten shillings for every forty-eight hours thereafter, until such dog shall be killed; to be recovered and applied in the manner directed by the eighth section of this act.

XII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any party, plaintiff or defendant, in any suit to be brought by virtue of this act, to have such suit tried by a jury, such jury to consist of six men, being freeholders. *Provided always*, That this act, except the tenth section thereof, shall not extend to the county of Richmond.

This act, except 10th section, not to extend to Richmond county.

XIII. *And be it further enacted by the authority aforesaid*, That the act entitled, *† An act to lay a tax on dogs in the city of New-York*; passed the 21st day of March, 1783, shall be, and hereby is repealed.

Former act repealed. 8th sess. ch. 43.

# C H A P. XXIV.

*An ACT for the Relief of Debtors, with respect to the Imprisonment of their Persons.*

Passed 13th February, 1789.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

That every person who now is, or at any time hereafter shall be, actually confined in any goal within this state, upon execution, or upon any other writ or process, or by virtue of any judgment or order of any court of justice, or warrant from any judge, justice of the peace, or other officer, for any debt or debts, sum or sums of money, or fine or

Prisoners not to be confined longer than 30 days, for debts or sums not exceeding 10l.

Altered. 12th sess. ch. 40.

fines, forfeiture or forfeitures, none of which do or shall exceed the sum of ten pounds, exclusive of costs, and shall have remained, or shall remain so confined in gaol for the space of thirty days, shall be discharged from such imprisonment; and the sheriff, gaoler, or keeper of the gaol in which such person is or shall be confined as aforesaid, shall, upon application to him by the person so confined, discharge such person out of custody, if detained for such debt or debts, sum or sums of money, fine or forfeiture only, and for no other cause; and no such sheriff or gaoler shall be liable to any action of escape or other suit, or information upon account thereof; and if any action, suit or information shall be brought or exhibited against any sheriff or gaoler for or on account of any such discharge, such sheriff or gaoler may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall be non-suited or discontinue the action, or judgment be given for the defendant in such action, the defendant shall have treble costs.

II. *And be it further enabled by the authority aforesaid,* That no person discharged from imprisonment by virtue of this act, shall at any time thereafter be imprisoned for the same cause; and if any person so discharged shall be arrested

Persons discharged not to be arrested again for the same crime.

for the same cause, it shall be lawful for any judge of the court out of which the process upon which such person shall be arrested, shall have issued, or any justice of the peace who shall have issued such process, to discharge such person out of custody; so as such person do enter an appearance, or give a warrant to some attorney to appear and plead to such action.

III. *Provided always, and be it further enabled by the authority aforesaid,* That notwithstanding such discharge, all and every debt and demand against such person so discharged, and all and every judgment and decree had or obtained, or to be had or obtained, against him or her, shall stand and be good and effectual in law to all intents and purposes, against the lands, tenements, hereditaments, goods

All debts, demands, judgments, and decrees against persons discharged, to be good against their lands, tenements, goods and chattels, except sums and accoutrements.

and chattels of the person so discharged, his arms and accoutrements excepted, which he or she or any person or persons for him or her had at the time of such discharge, or at any time thereafter shall have or be in any wise seized or possessed of, or entitled to in law or equity; and it shall or may be lawful for any creditor of such person so discharged, at whose suit such person was confined at the time of such discharge, and for the executors or administrators of such creditor, and for the officer who ought to prosecute for any fine or forfeiture, for which such person so discharged was imprisoned, to take out, sue and prosecute, at any time or times after such discharge, a new execution or other process for the recovery of such debt or debts, sum or sums of money, fine or forfeiture, with the costs for which such person was so imprisoned at the time of such discharge, against the lands and tenements, goods and chattels of such person so discharged, his arms and accoutrements excepted, in such sort, manner and form, as might have been done if such person had never been taken in execution, or committed for such debt or debts, sum or sums of money, fine or forfeiture; and in case no judgment is or shall be obtained by such creditor against such person so discharged, at the time of such discharge, then it shall be lawful for such creditor to continue and prosecute his or her action to judgment, and to bring and prosecute any other action or suit for the recovery of the said debt or debts, or sum or sums of money, and to take out such execution for the sum so recovered, with the costs, against the lands and tenements, goods and chattels of

the person so discharged, his arms and accoutrements excepted, as he might heretofore have done; But the person of such debtor so discharged, shall not be imprisoned by virtue of any such execution, judgment or proceeding, for the recovery of any such debt or debts, sum or sums of money, fine or forfeiture, or the costs thereof.

IV. *And be it further enacted by the authority aforesaid,*

That from and after the first day of February, which will be in the year of our Lord one thousand seven hundred and ninety, if any person shall be charged in execution for any sum or sums of money, not exceeding in the whole the sum of two hundred pounds, or on which execution or executions there shall at any time remain due, as shall be made appear by oath, a sum or sums of money, not amounting to above the said sum of two hundred pounds, and shall be minded to deliver up to his or her creditor or creditors, who shall so charge him or her in execution, all his or her estate and effects, for or towards the satisfaction of the debt or debts wherewith he or she shall so stand charged, it shall and may be lawful to and for every such prisoner, at any time after he or she shall be charged in execution by his or her creditor or creditors, to exhibit a petition to the court from whence the process issued, upon which such prisoner was taken or charged in execution, or to the court into which any such prisoner shall be removed by habeas corpus, or shall be charged in custody and shall remain in the prison thereof, certifying the cause or causes of his or her imprisonment, and not only setting forth in every such petition, a just and true account of all the real and personal estate which he or she so petitioning, or any person or persons in trust for him or her, is or are, or was or were entitled to, at the time of his or her so petitioning, and of all incumbrances and charges, if any there be, affecting any such real or personal estate of the person so petitioning, but also a just and true account of all the real and personal estate which any such prisoner, or any person or persons in trust for him or her, or for his or her use, was or were interested in or entitled to, at the time of his or her said imprisonment, in the action in which such person shall be so charged in execution, either in possession, reversion, remainder or expectancy, to the best of the belief of every such prisoner, and so far as his or her knowledge extends concerning the same; and likewise a just and true account of all securities wherein any part of the estate of any such prisoner may consist, and of all the deeds, evidences, writings, books, bonds, notes and papers concerning the same or relating thereto, and the names and places of abode of the witnesses to all such securities, bonds or notes, and where they are respectively to be met with, so far as his or her knowledge extends concerning the same; and before any such petition from any such prisoner shall be received by any such court, every such prisoner shall give or leave, or cause to be given or left unto and for all and every creditor or creditors, at whose suit any such prisoner shall stand charged in execution as aforesaid, or his, her or their executors or administrators, and at his, her or their usual place of abode, or to, or for his, her or their attorney or agent last employed in any such action, suit, cause or causes, in case any such creditor or creditors his, her or their executors or administrators, cannot be met with, but not otherwise, fourteen days at least before any such petition shall be presented and received, a notice in writing, signed with the proper name or mark of every such prisoner, importing therein that such prisoner or prisoners as aforesaid, doth or do intend to petition the court from whence the pro-

cess issued, upon which he, she or they stand charged in execution, or into which any such prisoner or prisoners shall have been removed by habeas corpus, or shall stand charged in execution, on any judgment recovered on any bill or declaration filed or delivered in such court; and also setting forth in every such notice or writing, a true copy of the account or schedule, including the whole real and personal estate of the person so designing to petition, which he or she doth intend to deliver to such court (other than, and except his arms and accoutrements, and the necessary wearing apparel, and bedding of such prisoner, and his or her family, and the tools or instruments of his or her trade or calling, not exceeding twenty pounds in value in the whole) and an affidavit of the due service of every such notice, shall be delivered, with every such petition, at the time of presenting thereof, and openly read in the court, to which such petition shall be addressed, and if such court shall thereupon be satisfied of the regularity of every such notice, such petition shall be received, and the court shall thereupon, by rule or order of the same court, cause every such prisoner so petitioning, to be brought up to such court, on some certain day in such rule or order to be specified; and the creditor, or several creditors, at whose suit any such prisoner shall stand charged in execution as aforesaid, his, her or their executors or administrators, to be summoned to appear personally, or by his, her or their attorney, in such court, at some certain day to be specified in such rule or order for that purpose; and if any creditor or creditors of any such prisoner, who shall be so summoned, his, her or their executors or administrators, shall appear in person, or by his, her or their attorney, or if any such creditor or creditors, his, her or their executors or administrators, shall refuse or neglect to appear in person, or by his, her or their attorney, then, upon affidavit of the due service of such rule or order on him, her or them, or his, her or their attorney, if any such creditor or creditors, his, her or their executors or administrators, cannot be met with, such court shall, in a summary way, examine into the matter of every such petition, and hear what shall or can be alleged on either side, for and against the discharge of any such prisoner or prisoners who shall so petition, and upon such examination, every such court is hereby required to administer or tender to the prisoner or prisoners respectively, who shall so petition and give such previous notice thereof as herein before is directed, an oath to the effect following, that is to say:

**I** do swear. That the account by me set forth in my petition presented to this honorable court, doth contain a true and full account of all the estate, debts, credits and effects whatsoever, which I or any in trust for me at the time of my first imprisonment in this action, or at any time since had, or was in any respect entitled to, in possession, reversion, remainder or expectancy, except the arms and accoutrements, and wearing apparel and bedding of or for me and my family (if such prisoner hath any family) and the tools or instruments of my trade or calling, not exceeding twenty pounds in value in the whole; and also an account how much of my estate, debts, credits or effects hath since been disposed of, released or discharged, and how, to whom and on what consideration, and for what purpose, and how much thereof I or any person or persons in trust for me have, or at the time of presenting my said petition to this honorable court had, or which I am or was, or any person or persons in trust for me, or for my use, is any ways interested in, or intitled to, in possession, reversion, re-

remainder or expectancy; and also a true account of all deeds, writings, securities, bonds, notes, books and papers relating thereto, and where the same now are, to the best of my knowledge and belief, and what charges are now affecting the real estate I am now seised of or entitled to (if such prisoner hath any real estate) and that I have not at any time before or since my imprisonment, directly or indirectly, sold, leased, assigned, mortgaged, pawned or otherwise disposed of or made over, in trust for myself, or any other person, otherwise than is mentioned in such account, any part of my messuages, lands, tenements, estates, goods, stock, money, debts, or other real and personal estate, whereby to have or accept any benefit, advantage or profit to myself or my family, or with any view, design or intent to deceive, injure or defraud any of my creditors to whom I am indebted.

On taking the oath, the court may order an assignment of the debtor's estate to be made, by a short endorsement on the petition, for the benefit of the creditors, who have charged him in execution.

And in case any prisoner as aforesaid shall, in open court, take the said oath, such court, in which any such oath as aforesaid shall be taken, may then immediately order the messuages, lands, tenements, goods and effects contained in such account, or so much of them as may be sufficient to satisfy the debt or debts wherewith such prisoner shall stand charged in execution, and the fees due to the sheriff or keeper of the goal, or prison from which such prisoner was brought, to be by a short endorsement on the back of such petition, and to be signed by the prisoner, assigned and conveyed to the creditor, or creditors, if more than one, who shall have charged such prisoner in execution, or to some or one of them, or to some other proper person or persons, as such court shall order and direct, and to his, her or their heirs, executors, administrators and assigns, for the benefit of him, her or them, who shall have so charged such prisoner in execution, subject nevertheless to all prior incumbrances affecting the same; and the estate, interest and property of all messuages, lands, tenements, goods, debts, estates and effects which shall belong to any such prisoner, shall, by such assignment and conveyance as aforesaid, be vested in the person or persons to whom any such assignment or conveyance shall be made according to the estate and interest such prisoner had therein, and the person or persons to whom any such assignment and conveyance shall be made, shall and may take possession of all such estate and effects, and sue in his, her or their name or names, for the recovery thereof; and no release of any such prisoner, his or her executors or administrators, or any trustee for him or her, subsequent to such assignment or conveyance, shall be pleadable or be allowed of in bar of any action or suit which shall be commenced by any such assignee or assignees, of any such prisoner, for the recovery of any of his or her estate or effects; and upon every such assignment and conveyance being executed by any such prisoner, he or she shall be discharged out of custody, by rule or order of such court, and a certified copy of such rule or order being produced to, and left with any sheriff or goaler, shall be a sufficient warrant to him to discharge every such prisoner, if charged in execution, or detained for the cause mentioned in his or her petition, and no other; and every such sheriff or goaler is hereby required, on having such order produced to him, and a copy thereof left with him, to discharge and set at liberty forthwith, every such prisoner who shall be ordered as aforesaid to be so discharged, without taking any fee, or detaining him or her in respect of any demand of any such sheriff or goaler, for or on account of chamber rent, lodging or otherwise, or for or in respect of any fees theretofore claimed, or due to any such sheriff or goaler, or to any employed by or under either

of them; and no such sheriff or goaler shall afterwards be liable to any action of escape, or other suit or information on that account, or for what he shall do in pursuance of this act; and the person or persons to whom this estate and effects of any such prisoner shall be assigned and conveyed as aforesaid, shall, with all convenient speed, sell and dispose of the estate and effects of every such prisoner, which shall be so assigned and conveyed, and divide the net produce of all such estates and effects amongst the creditors of such prisoner, if more than one, who shall have charged such prisoner in execution, before the time of his or her petition to be discharged shall have been presented, first paying the fees of the sheriff or goaler in whose custody such prisoner then was; and if any overplus shall remain of any such prisoner's estate, after payment of the sum or sums, for which such prisoner stood charged in execution, as aforesaid, at the time he or she was so discharged, and the fees then due to the sheriff or goaler, and all reasonable charges expended in or by means of getting in such estate and effects, and such sums as may have been paid by such creditor or creditors, for the maintenance of such prisoner while in gaol, the same shall be paid to such prisoner, his or her executors, administrators or assigns. But in case the person or persons at whose suit any such prisoner shall stand charged in execution, as aforesaid, shall not be satisfied with the truth of any such prisoner's oath, and shall either personally, or by his, her or their attorney (if he, she or they cannot personally attend, and proof be made thereof to the satisfaction of such court) desire further time to inform him, her or themselves of the matters contained therein, such court may remand any such prisoner, and direct him or her, and the person or persons dissatisfied as aforesaid, with such oath, to appear either in person, or by his, her or their attorney, on some other day, to be appointed by such court some time at farthest within the first week of the term next following the time of such examination, but sooner if any such court shall so think fit; and all objections which shall be made, as to the insufficiency in point of form against any prisoner's schedule of his estate and effects, shall be only made the first time such prisoner shall be brought up; and if at such second day, which shall be appointed, the creditor or creditors, dissatisfied with such oath, shall make default in appearing in person, or by his, her or their attorney, or in case he, she or they shall appear, if he, she or they shall be unable to discover any estate or effects of the prisoner, omitted in the account set forth in his or her petition, then, and in any such case, such court shall, by rule or order thereof, immediately cause the said prisoner to be discharged, upon such prisoner's executing such assignment or conveyance of his or her estate and effects in the manner herein before directed: unless such creditor or creditors who shall have charged such prisoner in execution as aforesaid, his, her or their executors or administrators, doth or do insist upon such prisoner being detained in gaol, and shall agree, by writing signed with his, her or their name or names, mark or marks, or under the hand of his, her or their attorney, in case any such creditor or creditors, his, her or their executors or administrators shall be out of this state, to pay and allow weekly a sum not exceeding four shillings, as such court shall think fit, unto the said prisoner, to be paid every Monday in every week, so long as such prisoner shall continue in gaol in execution at the suit of such creditor or creditors; and in every such case, every such prisoner shall be remanded to the gaol from whence he or she was so brought up, there to continue in execution. But if any failure shall at any time be made in the payment of the weekly sum, which shall be



ordered by any such court to be paid to any such prisoner, such prisoner, upon application, in term time, to the court from whence the process issued, upon which such prisoner was taken and charged in execution, or to the court by which such prisoner shall stand committed, or in vacation time, to any judge of such court, may, by the order of such court or judge, be discharged out of custody on every such execution, proof being made before such court or judge, of the non-payment, for any week, of the sum of money ordered and agreed to be weekly paid; but every such prisoner, before he or she shall be so discharged out of custody, by any such rule or order, shall execute an assignment and conveyance of his or her estate and effects, in the manner herein before directed; and if any prisoner who shall petition or apply for his or her discharge under this act, shall refuse to take the said oath herein before directed to be taken, or taking the same, shall afterwards be detected, before any such court or judge, of falsity therein, or shall refuse to execute such assignment or conveyance of his or her estate and effects as aforesaid, every such prisoner shall be presently remanded, and continue in execution.

*V. Provided always, and be it further enacted by the authority aforesaid,* That where two or more creditors shall charge any prisoner in execution, and shall desire to have such prisoner detained in prison, each and every such creditor and creditors shall only respectively pay such weekly sum of money, not exceeding two shillings and six-pence a week each, on every Monday in every week, to or for such prisoner, as the court before whom any such prisoner shall be brought to be discharged, shall, at the time of his or her being remanded, on such note for the payment of the weekly sum ordered to be paid being given, direct or appoint.

*VI. And be it further enacted by the authority aforesaid,* That from and after the first day of May next, where any prisoner shall be taken or charged in execution in any action or suit in the supreme court, or on any habeas corpus, and be in any gaol in any county, other than the county in which the said supreme court shall sit, whereon there shall at any time be due a sum not exceeding two hundred pounds, then, upon petition being made by any such prisoner, to the said supreme court, in the like form and manner as the petitions herein before mentioned of prisoners, are directed to be made, and on affidavit, to the purport as affidavits are herein before directed to be made, being made and produced to the supreme court, the said supreme court, on being satisfied with the truth of such affidavit, is hereby authorised and required to make a rule or order to cause the prisoner so petitioning, to be brought to the next circuit court which shall be holden in and for the county where such prisoner shall be imprisoned; and the expence of bringing every such prisoner to any such circuit court, not exceeding one shilling a mile, shall be paid to the sheriff or officer who shall bring such prisoner to such circuit court, in obedience to any such rule or order as aforesaid, out of such prisoner's estate or effects, if the same shall be sufficient to pay such expence; and if not, then such expence shall be paid by the treasurer of the county where such prisoner shall be imprisoned, out of the monies raised or to be raised for the contingent charges of such county, as the same shall be allowed, ordered and directed by the same supreme court, or the judge or judges who

Where several creditors desire a prisoner to be committed in execution, each of them shall pay such weekly sum as the court shall direct, not exceeding  $\text{2s. 6d.}$  a week.

Now such prisoners in execution on process out of the supreme court, and being in gaol in any county, where the supreme court does not sit, are so proceed so obtain their discharge out of custody.

shall hold such circuit court; and the creditor or creditors, if there be more than one, his, her or their executors or administrators, at whose suit any such prisoner shall stand charged in execution as aforesaid, shall, by rule of order of the said supreme court, be summoned to appear at the said circuit court, if such creditor or creditors, his, her or their executors or administrators, can be met with, and if not, then the attorney last employed for such creditor or creditors, shall be summoned to appear there; and a copy of every such rule or order shall be served on every such creditor or creditors, his, her or their executors or administrators, or be left at his, her or their dwelling-house, or usual place of abode, or with his, her or their attorney last employed as aforesaid, fourteen days at least before the holding of such circuit court and on an affidavit of such service thereof being laid before such circuit court as aforesaid, the same court, on being satisfied with the truth of such affidavit, is hereby required to appoint a time for hearing the matter upon every such petition as aforesaid, on some certain day and time during the holding of such circuit court; and upon the appearance there of the creditor or creditors so summoned, his, her or their executors or administrators, in person, or by attorney, or in default of the appearance in person, or by attorney, of the party or parties who shall have been summoned to so appear, then on proof of his, her or their being duly served with the notice hereby required to be given, and a copy of the account of the real and personal estate of the prisoner desiring to be discharged, being comprised in such notice, and also of the rule of the said supreme court, for his, her or their appearance at such circuit court, having been duly served as herein before is directed, the said circuit court shall then, in a summary way, examine into the matter of every such petition, and hear what can or shall be alleged on either side for or against the discharge of every such prisoner so petitioning; and upon every such examination such circuit court is hereby empowered and required to administer, or tender to every such prisoner, the same oath as herein before is directed and appointed to be taken by such prisoner; and such circuit court is hereby authorized and required to make such order in the premises, as to the same court shall seem meet, and to proceed in the same manner concerning the discharge of every such prisoner, and to give the same judgment, relief and directions relating thereto, as any court out of which any process shall issue against any such prisoner as aforesaid, is herein before empowered and directed to do; and every order which shall be made in the premises by any such circuit court, shall be as valid and effectual as if the same had been made in the court out of which the process issued, on which any such prisoner was charged in execution; and the same shall be made a record of the proceedings at such circuit court; and a copy thereof signed by the judge or judges who shall hold such circuit court, shall from thence be transmitted to the said supreme court, to be a record of the said supreme court; and to be kept as such amongst the other records thereof.

VII. *And be it further enacted by the authority aforesaid,*

Persons taking any oath required by this act, convicted of perjury, how to be punished.

That if any person who shall take any oath by this act required to be taken, shall, upon any indictment for perjury, be convicted by his or her own confession, or by verdict of twelve lawful men, every person so convicted, shall suffer the pains and forfeitures which by law are to be inflicted on any person guilty of wilful and corrupt perjury; and shall likewise, if discharged out of execution by virtue of this act, be liable to be taken on any process

~~de novo~~, and charged in execution for the said debt, in the same manner as if he or she had not been discharged, or had not been taken and charged in execution before, and shall never after have the benefit of this act; any thing herein before contained to the contrary notwithstanding.

*Prisoners discharged  
may be arrested for  
the same debts, unless  
convicted of perjury;*

VIII. *And be it further enacted by the authority aforesaid,* That no prisoner who shall be so discharged by virtue of this act on such petition as aforesaid, shall ever after be arrested for the same debt or debts, nor shall any action of debt be brought against him or her, on any such judgment, unless he or she shall, under this act, be convicted of wilful perjury; but notwithstanding any discharge obtained by virtue of this act, for the person of any such prisoner, the judgment obtained against every such prisoner, shall continue

*But execution may  
at any time be taken  
against their lands  
and goods.*

and remain in force, and execution may at any time be taken out thereon against the lands, tenements, goods and chattels of any such prisoner, other than and except the necessary wearing apparel and bedding for him or her, and his or her family, and the necessary tools for the use of his or her trade or occupation, not exceeding twenty pounds in value in the whole, as if he or she had never before been taken or charged in execution, and released out of prison by virtue of or under this act.

*Assignees may com-  
pound with debtors  
of such prisoner, and  
submit disputes with  
them to arbitration.*

IX. *And be it further enacted by the authority aforesaid,* That all and every assignee and assignees, to whom, by virtue of this act, the estate or effects of any prisoner shall be assigned and conveyed, is and are hereby empowered to make composition with any debtor or accountant to such prisoner, where the same shall appear necessary or reasonable, and to take such part of any debt or demand as can, upon such composition, be gotten, in full discharge of such debt or demand; and also to submit any difference or dispute concerning any part of such prisoner's estate or effects, or by reason or means of any matter, cause or thing relating thereto, or to such prisoner, or in respect of any debt or sum of money, or other thing claimed to be due or belonging to such prisoner, at the time of his or her discharge, to the final end and determination of arbitrators to be chosen by the said assignee or assignees, and the party or parties with whom any such difference or dispute shall be; and if such arbitrators cannot agree in the same, then to submit the same to the determination of any umpire to be chosen by them, or otherwise to settle and agree the matter in difference or dispute between them, in such manner as such assignee or assignees shall think fit and can agree; and the same shall be binding to all the said prisoner's creditors as aforesaid, who shall have charged him or her in execution, and also to every such prisoner; and every such assignee and assignees is and are hereby indemnified for what he or they shall fairly, and without any fraudulent design, do in the premises according to the directions of this act.

X. And to the intent that the estates and effects of every such prisoner who shall be discharged by virtue of this act, may be truly and fairly applied; *Be it further enacted by the authority aforesaid,* That it shall be lawful for the

*Court on complaint  
of any creditors or  
of any person against the  
assignees, to summon  
the parties, and give  
direction in the pre-  
mises.*

respective courts out of which the process issued, upon which any such prisoner so discharged was committed in execution, or any judge of any such court, and for the supreme court, or any judge thereof, in all cases, and at any time or times, on the petition of any creditor or creditors, who had charged any such prisoner in execution;

or of any such prisoner, to such court, or to any judge thereof, complaining

of any insufficiency, fraud, mismanagement, or other misbehaviour of any such assignee or assignees, to order the respective parties concerned, to attend such court, on the matter of every such petition, at some certain time, in such order to be mentioned; and every such court, on hearing the parties concerned therein, is hereby authorised to make such order and give such directions in the premises, either for the removal or displacing of such assignee or assignees, and appointing any new or other assignee or assignees, in the place or stead of such assignee or assignees so to be removed or displaced; or for the prudent, just or equitable management or distribution of the said estate and effects, or any part thereof, for the benefit of the respective creditors as aforesaid, of such prisoner, as such court shall think fit; and in case of the removal or displacing of any assignee or assignees, and the appointing any new assignee or assignees, the estates and effects of such prisoner, shall from thenceforth be divested out of the assignee or assignees so removed or displaced, and be vested in and delivered over to such new assignee or assignees, in the same manner and for the like intents and purposes, as the same were before vested in the former assignee or assignees.

XI. *And be it further enacted by the authority aforesaid,*  
Where mutual credit has been given between such prisoner and others, the assignees to state an account, and only the balance due to the prisoner deemed to be vested in them.  
 That where mutual credit shall have been given between any prisoner who shall be discharged under this act, and any other person or persons, bodies politic or corporate, before the delivery of any schedule or inventory of the estate and effects of such prisoner, upon oath, as by this act is directed, then, and in every such case, the respective assignee or assignees of such prisoner, shall have power, and is and are hereby required, on his and their part and parts, to state and allow an account between them, and nothing more shall be deemed to be vested by any assignment or conveyance which shall be made by virtue of this act, as the estate or effects of such prisoner, than what shall appear to have been due and to be justly coming to him or her, on or for the balance of such account, when truly stated.

XII. *And be it further enacted by the authority aforesaid,*  
Prisoners not charged in execution in three months after judgment, may be discharged by superseas.  
 That if any plaintiff shall, at any time after the first day of May next, obtain judgment in any court of record, in any action against any defendant in custody of any sheriff or other officer, either upon the process in the same action, or upon being surrendered in discharge of the bail, or otherwise, and shall not charge such defendant so remaining a prisoner, in execution, within three months next after such judgment obtained, then such defendant so remaining in prison may be discharged out of custody, by a superseas to be allowed by one of the judges of the court in which such judgment shall be obtained; and where any defendant shall be surrendered in discharge of his or her bail, after judgment obtained against such defendant, and be thereupon committed to gaol, and the plaintiff shall not charge such defendant so surrendered and remaining in gaol in execution, within three months next after such surrender, such defendant remaining in prison may be discharged out of custody, by a superseas to be allowed by one of the judges of the court in which such judgment shall be obtained.

XIII. *And be it further enacted by the authority aforesaid,*  
Any creditor, at whose suit any person shall have been charged, and remained in execution for three months, for any sum not exceeding 200l. besides cost, may, by  
 That where any person shall be confined or charged in execution on or after the said first day of May next, for any debt or damages not exceeding the sum of two hundred pounds, besides costs, and shall have so remained in execution for the space of three months, then any creditor at

Justice in writing, require such prisoner to exhibit such account, and make such assignment as before directed.

whose suit such person shall have been so charged in execution, and his or her executors or administrators, is and are hereby authorized and empowered, by notice in writing, signed with the name or mark of such creditor, his or her executors or administrators, or his, her or their attorney, to require the said prisoner to exhibit such account, and make such assignment, as are herein before directed, and in all other respects to comply with the directions of this act, as if he or she had voluntarily petitioned in the manner herein before prescribed; and if such prisoner shall not thereupon, as soon as may be after the expiration of thirty days from the time that such notice shall have been served upon him or her, take such measures as are herein before directed to be pursued, in order to entitle him or her to a discharge or allowance by virtue of this act, such prisoner shall be forever barred and precluded from any discharge or allowance, which he or she might otherwise be entitled to upon a compliance with the directions herein before contained.

This act to extend as well to prisoners committed after first February, 1790, as to those in gaol on that day.

XIV. *And be it further enacted by the authority aforesaid,* That this act, with respect to persons charged in execution for any sum or sums of money not exceeding in the whole, the sum of two hundred pounds, shall be construed to extend as well to prisoners who shall be committed to gaol after the said first day of February, as to prisoners who shall be in gaol on the said first day of February, which will be in the year one thousand seven hundred and ninety.

No person having a family, not being a freeholder, to be committed in execution, by virtue of the ten pound act, for any debt or damages for or upon any contract or thing made or done after 1st May, 1789.

§ 10th S. S. ch. 39.  
Form of execution in such cases.

XV. *And be it further enacted by the authority aforesaid,* That no person having a family, not being a freeholder within this state, shall be imprisoned or committed to gaol upon any execution to be issued by virtue of the act entitled, § An act for the more speedy recovery of debts to the value of ten pounds, for any debt, damages or costs, for or upon any contract, matter, cause or thing, to be made, happen, or be done after the first day of May next; and that on every execution to be issued in such case, the officer to whom the same shall be directed, shall be commanded to levy the debt, or damages and costs, of the goods and chattels of the person against whom the same shall be granted, his arms and accoutrements excepted, and to bring the money, at a certain time and place, before the justice who issues such execution, to render to the party who recovered the same; and if no goods or chattels shall be found, or not sufficient to satisfy such execution, the party recovering the judgment may, from time to time, renew such execution, or have further execution against the goods and chattels of the party against whom such judgment is recovered, or may bring an action of debt thereon, but shall not have any execution against the body of such defendant for any such debt or damages.

Eighth section of an act of 21st March, 1788, extended to all persons imprisoned 60 days.

§ 11th S. S. ch. 92.

XVI. *And be it further enacted by the authority aforesaid,* That the eighth section of the act, entitled, § An act for giving relief in cases of insolvency, passed the twenty-first of March, one thousand seven hundred and eighty-eight, shall extend to all persons who have or shall have been actually imprisoned for sixty days and upwards, upon any civil actions, notwithstanding such person so imprisoned did not use the trade of merchandise, or get the greatest part of his living by trade or merchandise, upon the application and affidavit being made by the creditor therein mentioned, that the sum of money due to him from such debtor exceeds ten pounds.

## C H A P. XXV.

*An ACT for regulating the Fees of the several Officers and Ministers of Justice within this State.*

Passed 18th February, 1789.

**L** *BE* it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That no officer or other person, shall exact, demand or ask, or be allowed any greater or other fee or reward, for or in respect of any service to be done or performed after the first day of June next, than such as is herein after specified: That is to say;

In the Court for the Trial of IMPEACHMENTS and Correction of ERRORS.

*The Clerk's Fees.*

For reading and filing the writ, return and record, three shillings.

Filing every affidavit or other proceeding, one shilling.

Entering every rule, one shilling and six-pence.

Every certified copy of a rule, one shilling and six-pence.

Entering every appearance, one shilling.

Entering every judgment or dismissal, two shillings.

Entering the judgment and remittitur on the roll, for each sheet containing seventy-two words, one shilling.

The seal to any record or process, four shillings.

Copies of records, pleadings, and other proceedings, for each sheet containing ninety words, nine-pence.

Taxing a bill of costs, four shillings.

*The Crier's Fees.*

In each cause, three shillings.

IN THE COURT OF CHANCERY.

*The Chancellor's Fees.*

For the seal to every common writ, two shillings and three-pence.

The seal to exemplifications, five shillings.

Every decree, forty shillings.

Every dismissal of a bill for want of prosecution, ten shillings.

Every opinion or order upon petition or motion controverted and argued in court, ten shillings.

Every order on petition out of court, five shillings.

Appointing a guardian, ten shillings.

Signing a dedimus to take a fine, three shillings.

*The Master's Fees.*

For every summons, Three shillings.

Copies of all charges and discharges brought in before the master, for each sheet containing ninety words, nine-pence.

Scheduling writings, for each sheet of such schedule containing ninety words, nine-pence.

Every report in pursuance of an order made upon hearing a cause, ten shillings.

Every other report made upon petition or motion only, five shillings.

Taking the acknowledgment or proof of a deed or mortgage, three shillings; a lease and release to be considered as one deed.

Drawing every report, for each sheet containing ninety words, one shilling.

For every copy thereof, each sheet as aforesaid, nine-pence.

Swearing a defendant to an answer or plea, or swearing a witness, or taking an affidavit, one shilling.

Signing every exhibit brought before him, one shilling.

The caption and writing of every recognizance, three shillings.

Taxing every bill of costs before a decree, three shillings.

Taxing a bill of costs after a decree, six shillings.

And all costs of the party plaintiff, including officers fees, whensoever costs shall be directed to be taxed, shall be taxed in one bill only; and in like manner all the costs of the party defendant, including officers fees, shall be taxed in one bill only, and only one fee shall be allowed for any such one taxation.

And where monies are ordered by the court to be put out by a master, or where an estate is ordered to be sold by a master, and where the master is ordered to take an account of an estate, or between partners in trade, the chancellor shall make such allowance to the master for the same, as he shall judge reasonable.

*The Register's Fees.*

For drawing all rules, and orders, for each sheet containing ninety words, one shilling and six-pence, and entering the same, for each sheet nine-pence,

Reading and filing every report, petition or other paper, one shilling.

Copies of all rules, orders, reports, affidavits, records and proceedings, for each sheet containing ninety words, nine-pence.

Every certificate, one shilling and six-pence.

Entering a cause for hearing, one shilling.

Making or certifying notes of the causes that stand for hearing, for grounding a subpoena to hear judgment for each cause, one shilling and six-pence.

Drawing every decree, for each sheet containing ninety words, one shilling and six-pence; but no record, writing, report, order or proceeding to be inserted therein verbatim, or in hæc verba, shall be computed as any part of such draft.

Engrossing every decree, including all reports, orders and other proceedings, records and writings inserted therein, for each sheet, containing ninety words, and including parchment, one shilling.

Entering every dismissal, four shillings.

Examining and signing every decree, and attending the chancellor to get the same signed by him, eight shillings.

Searching for any order or decree, for every year in which such search was made, six-pence.

Entering all attachments and proclamations, nine-pence for each person.

Entering every amercement, one shilling and six-pence.

Entering an appearance upon process of contempt, one shilling.

Engrossing all depositions, exhibits, records and pleadings to be exemplified, for each sheet containing ninety words, nine-pence.

Foundage on all deposit money, six-pence in the pound, and on all other money brought into court by special order, and lodged with him, three-pence in the pound.

*The Clerk's Fees.*

For drawing and engrossing every subpoena or attachment, including parchment, five shillings.

For drawing all other writs and commissions, when done by him, for every sheet containing ninety words, one shilling and six-pence, and engrossing when done by him, for each sheet, including parchment, one shilling.

Entering the defendant's appearance, and certificate thereof, and serving the same, two shillings; and if two or more defendants appear at one time, no more than one fee for entering and certifying their appearance, shall be allowed.

Copies of all bills, answers and other pleadings whatsoever, for each sheet containing ninety words, six-pence.

Meeting to settle commissions, on joining in commission, four shillings.

Every certificate that pleadings are filed, costs of contempt paid, or other matter necessary to be certified, one shilling.

Filing every bill, answer, plea, replication, rejoinder, demurrer, or other pleading, one shilling.

Entering a rule to answer, reply or rejoin, or other rule in the rule book, and copy thereof, and serving on the clerk of the opposite party, two shillings.

Entering receipt of rule to answer, reply or rejoin, or other rule in the rule book, and making and serving a copy of the rule on the solicitor, two shillings.

Searching for any bill, answer or other pleading, for every year in which such search is made, six-pence.

Attending master with rule book on taxing costs, two shillings.

Attending court on hearing with the pleadings, whether they are read or not, four shillings.

Poundage on all money brought into court, and lodged with him, three-pence in the pound.

#### *The Examiner's Fees.*

For taking the examination of every deponent, and making a fair copy of the same on paper for the witness to sign, for each sheet containing ninety words, one shilling and six-pence; and if he travels, a mileage fee of one shilling a mile going out only.

Certifying every exhibit shewn to a witness on his examination, two shillings.

Copies of all depositions, exhibits and interrogatories, when required, for each sheet containing ninety words, six-pence.

Attending court with depositions and exhibits, four shillings.

#### *The Counsel's Fees.*

For a retaining fee in each cause, thirty shillings; but a retaining fee shall not be taxed or allowed to the same person, both as counsellor and solicitor in the same cause.

Perusing and signing every bill, answer, plea, demurrer, and other special pleadings, interrogatories and exceptions, if not done by the person acting as solicitor in the same cause, twenty shillings.

Every motion of course before the chancellor, four shillings; but no motion to be allowed for common process, nor for rules to answer, reply, rejoin, produce or examine witnesses, or for publication or the like, which are to be issued or entered of course by the clerks.

Every special motion, ten shillings.

Arguing every plea or demurrer, thirty shillings.

Arguing before the master upon exceptions or other special matter, twenty shillings.



For arguing before the chancellor upon petition of exceptions, twenty shillings.

Arguing upon the final hearing of any cause, forty shillings.

But no costs to be taxed for more than one counsel in the same cause.

*The Solicitor's Fees.*

For a retaining fee in every cause, twenty shillings; but when the same person acts as solicitor and counsel, no retaining fee to be allowed as solicitor.

Drawing every bill, answer, plea, demurrer, replication, rejoinder, interrogatories, exceptions and other proceedings, for each sheet containing ninety words, one shilling and six-pence; but no record, writing, report, order or proceeding, to be inserted therein verbatim, or in hæc verba, shall be computed as any part of such draft.

All engrossments, including parchment, one shilling for each sheet containing ninety words, computing all records, writings, reports, orders and proceedings inserted therein, and all copies on paper, six-pence for each sheet as aforesaid.

Attending the chancellor on petition, four shillings.

Attending the court upon hearing, upon every argument, ten shillings.

Attending the register upon drawing decretal order, four shillings.

Attending the chancellor upon every common motion, four shillings.

Attending upon every special motion, when argued, six shillings.

Serving every order, one shilling and six-pence.

Giving notice of the examination of a witness, either before the examiner, or a master, or commissioners, two shillings.

Drawing instructions for the examination, two shillings.

Abbreviating every bill, answer and other pleadings, and depositions and exhibits, three-pence for each sheet containing ninety words.

Drawing brief for counsel, one shilling and six-pence for each sheet containing ninety words, and a copy thereof, six-pence for each sheet as aforesaid.

Drawing charge or discharge before a master, for each sheet containing ninety words, one shilling and six-pence.

Appending the master upon any matter referred to him, four shillings.

Attending the master upon a summons, four shillings.

Attending on taxing costs, four shillings.

Copy of a bill of costs to be taxed before a decree made, three shillings; after a decree, six shillings.

Drawing notice of every motion, copy and service, three shillings.

*The Fees of the Serjeant at Arms.*

For taking a person into custody, eight shillings.

Mileage, for each mile going out only, one shilling.

The return of an order or process, one shilling.

Attendance at every final hearing, three shillings.

Serving every summons to attend a master, one shilling.

Taking bail upon attachment or other process, six shillings.

And every person in contempt, before being discharged, shall, besides other fees, pay to the serjeant at arms, six shillings and eight-pence.

IN THE SUPREME COURT.

*Fees to the Chief Justice.*

For licence to an attorney, ten shillings.

Taking a conuance of a fine, six shillings.

*Fees to be divided among the Judges present when the Service is done.*

For admitting a person to practice as an attorney, thirty shillings.

The first motion in every cause unless criminal, five shillings.

Taking the acknowledgment of a fine at the bar, six shillings.

*Fees to be paid to the Judge who does the Service.*

For taking bail, three shillings.

Searching for bail in any one term, one shilling; and for every term more in which search is made, six pence.

Allowing every writ of error, writ of privilege, habeas corpus, procedendo, certiorari, or prohibition, three shillings.

Taking the acknowledgment of satisfaction out of court, three shillings.

Taking the acknowledgment or proof of a deed or mortgage, three shillings; a lease and release to be considered as one deed.

Admitting an infant by guardian or next friend, two shillings.

Signing a dedimus to take the acknowledgment of a fine, three shillings.

Taking the acknowledgment of a fine by dedimus, four shillings.

Examining and signing the indentures of a fine, four shillings.

Examining and signing the enrollments of the several parts of a fine, two shillings for each roll.

Examining and signing the enrollment of a recovery, five shillings.

Examining and signing the exemplification of a fine or recovery, five shillings.

Taking an affidavit, one shilling.

Taking acknowledgment of a warrant of attorney for levying a fine or suffering a recovery, or to prosecute or defend a real action, two shillings.

Allowing a warrant of attorney in other cases, one shilling.

Every attendance at his chamber on motion, or on examining a witness, five shillings.

Every order or certificate upon the act concerning insolvent debtors, three shillings.

Every warrant, order, report or certificate, or appointment of trustees, upon the act relative to absconding or absent debtors, three shillings.

Signing every judgment, two shillings; and for taxing every bill of costs, four shillings.

*The Counsel's Fees in the Court of Errors and Supreme Court.*

For perusing and amending every special pleading and entry, ten shillings.

Assisting on special motions, ten shillings.

Attending the court of errors to make or oppose a motion, ten shillings.

Trial of a cause, or arguing a demurrer, or a special verdict, or in error, thirty shillings.

But no costs shall be taxed for counsel in any cause, but where counsel is actually employed, and then only for one counsel.

*The Attornies Fees in the Court of Errors and Supreme Court.*

For a retaining fee, twenty-nine shillings; but where several suits are brought upon one bond, note or bill of exchange, no more than one retaining fee shall be allowed, nor shall any retaining fee be allowed in any suit upon a bail bond, or to the defendant's attorney upon confessing judgment on a bond by virtue of a warrant of attorney.

Drawing and copy of a warrant of attorney, one shilling.

**For drawing all process and returns, admissions of guardians or next friends, and all recognizances of bail, one shilling and six-pence for each sheet containing seventy-two words.**

**All engrossments, including parchment, one shilling for each sheet; and all copies upon paper, six-pence for each sheet.**

**Every term, a term fee of five shillings; but no more than three to be allowed in any cause.**

**Drawing all pleadings, adjournments, suggestions and other necessary entries, records, bonds to prosecute, and affidavits, one shilling and six-pence for each sheet containing seventy-two words; but no record, writ, return, pleading, bond, covenant or other writing, to be inserted verbatim, or in hæc verba, shall be computed as any part of such draft.**

**Engrossing, including parchment, and computing all records, writs, returns, pleadings, bonds, covenants and other writings inserted therein, one shilling for each sheet containing seventy-two words; and all copies on paper, six-pence for each sheet.**

**Every necessary motion, five shillings; but no motion to be allowed upon judgment by confession, by virtue of a warrant of attorney, when no suit is brought either for entering the action or a rule to plead.**

**Every attendance before the court of errors, in order to make a motion, or to oppose a motion, five shillings.**

**Arguing every special motion, ten shillings.**

**A fee on trial or inquest, twelve shillings.**

**Arguing demurres, special verdict, or in error, thirty shillings.**

**Drawing a brief and a copy or copies thereof, nine shillings.**

**Drawing up a judgment, six shillings.**

**Entering the judgment on the roll, three shillings.**

**Every notice, copy and service on the opposite party, or his attorney, two shillings.**

**Copy and service of notice of trial on the judge or judges, two shillings.**

**Making a note of the issue for the judges, to be served on the clerk, with a copy of the notice of trial, and for copy and service, three shillings.**

**Attendance on balloting or striking a jury, or both, five shillings.**

**Attendance on examining a witness out of court, two shillings.**

**Attendance on taxing a bill of cost, two shillings.**

**Serving a certified copy of a rule, or a copy of a declaration, with a certified copy of a rule to plead, one shilling and six-pence.**

**Copy of a bill of costs to be taxed, delivered to the opposite party, or his attorney, if before issue joined, or judgment, three shillings; if after, six shillings; and no more than one writ of execution shall be taxed in any case.**

*The Fees of the Clerk of the Supreme Court in Civil Causes.*

**For sealing a writ, entering the same, filing the precipe, and entering on the docket, one shilling.**

**Filing a declaration or other pleading, one shilling.**

**Entering an appearance or default, one shilling.**

**Entering every rule, one shilling and six-pence.**

**A certified copy of a rule, when required, one shilling.**

**Entering every nonsuit, one shilling and six-pence.**

**Calling and swearing every jury, two shillings.**

**Entering the return of a writ, and filing the writ, one shilling.**

For filing a writ of error, habeas corpus or certiorari, with the return thereof one shilling.

Swearing each witness, six-pence.

Swearing a constable to attend a jury, six-pence.

Reading every writing given in evidence, one shilling.

Filing every roll, one shilling.

Docketing a judgment, one shilling.

Taking a verdict and entering the same in the minutes, one shilling and six pence.

Engrossing every special verdict or demurrer to evidence, for each sheet containing seventy-two words, including parchment, one shilling.

Entering a judgment, one shilling and six-pence.

Entering or filing a retraxit or discontinuance, one shilling.

Drawing and engrossing exemplifications of records, for each sheet containing seventy-two words, including parchment, one shilling.

Copies of records and pleadings, for each sheet containing seventy-two words, nine-pence.

Attending and striking a special jury, and delivering a copy of the panel to each party, six shillings.

Copies of records to be returned upon writs of error, for each sheet containing seventy-two words, including parchment, one shilling.

Filing an affidavit, or other paper, on request, nine-pence.

Entering satisfaction on record, one shilling and six-pence.

Searching the records in any one year, one shilling; and for every other year in which such search is made, six-pence.

Searching for a judgment, six-pence for every term in which such search is made.

Entering confession of lease, entry and ouster, one shilling and six-pence.

Reading and entering a postea, two shillings.

Swearing each witness to a will, one shilling.

Drawing the proof of wills and codicils, one shilling and six-pence for each sheet containing seventy-two words.

Recording a will or codicil, and the proof as by law directed, one shilling and six-pence for each sheet containing one hundred and twenty-eight words; and for copies thereof, when required, one shilling for every sheet containing one hundred and twenty-eight words.

Examining and signing a note of a fine, one shilling.

Examining and signing the indentures of a fine, three shillings.

Making, entering and endorsing each proclamation of a fine, three shillings.

Attending and examining the enrollment of the several parts of a fine, five shillings.

Examining and signing, and affixing the seal to the exemplification of a fine or recovery, five shillings.

*Fees of the Clerk of the Supreme Court in criminal Causes, not Capital, where the Service is done at the Request of the Defendant; but no Fees to be allowed in any other Cases.*

For entering an appearance, one shilling.

Entering the discharge of a person upon bail, one shilling.

Entering an imparlance, one shilling.

Entering or filing a plea, one shilling.

Reading a record or other writing given in evidence, one shilling.

**For Swearing a witness, six-pence.**

Respitting a recognizance, six-pence.

Taking a recognizance in court, and entering thereof, three shillings.

Copies of all indictments, informations and pleadings, when required, for each sheet of seventy-two words, nine-pence.

Entering a relinquishment of a plea, one shilling.

Entering a submission, one shilling.

Every subpoena for witnesses, two shillings and three-pence.

Entering an order or rule of court, one shilling and six-pence.

A copy of an order or rule of court, one shilling.

Taking and entering a verdict, when for the defendant, one shilling and six-pence.

Taking and copying a special verdict for each sheet containing seventy-two words, one shilling and six-pence.

Entering a judgment for the defendant, two shillings.

Reading and entering the allowance of a pardon, or a warrant of nolo prosequi, or cessat processus, three shillings.

*Fees of the Clerk of the Circuit Courts.*

For entering in the judge's book, every cause noticed for trial, two shillings.

Filing every nisi prius record, one shilling.

Entering every rule, one shilling and six-pence.

A copy of a rule, one shilling.

Entering confession of lease, entry and ouster, one shilling and six-pence.

Calling and swearing a jury, two shillings.

Swearing each witness, six-pence.

Swearing a constable to attend a jury, six-pence.

Reading every deed and writing given in evidence, one shilling.

Filing a plea or bill of exceptions, one shilling.

Copies thereof, for each sheet containing seventy-two words, six-pence.

Taking and entering a verdict, one shilling and six-pence.

Drawing and returning every postea, six shillings.

Entering every non suit, one shilling and six-pence.

Entering every appearance or default, one shilling.

Engrossing a special verdict or demurter to evidence, for each sheet containing seventy-two words, including parchment, one shilling.

And twenty shillings in each cause noticed for trial, and not countermanded in due time, in lieu of all travelling charges.

And in criminal causes, the clerk of the circuit courts shall be allowed the like fees as the clerk of the supreme court, and under the same restrictions.

*The Sheriff's Fees in the Supreme Court.*

For serving a writ, four shillings and six-pence.

Every mile going only, six-pence, to be computed from the sheriff's place of abode, except where it is otherwise fixed by law.

A bail bond, three shillings.

Returning a writ, if served, one shilling.

Every demand of a defendant upon an exigent, and every proclamation upon a writ of proclamation, or in a real action, one shilling.

Summoning a jury, eight shillings.

Serving an execution for or under one hundred pounds, six-pence per pound; and for every pound more than one hundred pounds, three-pence; the poundage on writs of fieri facias, and all other writs for levying monies, to be taken only for the sum levied.

For serving a writ of possession or restitution, without the aid of the posse comitatus, ten shillings; and with the aid of the posse comitatus, thirty shillings; and mileage for every mile, from the place fixed by law six-pence.

Making and returning a book of freeholders for striking a jury, thirty-shillings.

Every person committed to prison, three shillings.

Discharging every person from prison, three shillings.

Bringing up a prisoner, by habeas corpus, in civil causes, twelve shillings and mileage for every mile from the gaol, one shilling.

Executing a writ of enquiry, summoning the jury for that purpose, and returning the inquisition, twelve shillings.

Attending a view, fifteen shillings per day; and going and returning, ten shillings per day.

Attending with a prisoner before a judge, on his being surrendered by his bail, and for receiving the prisoner into custody, eight shillings.

Summoning the jury to enquire of a forcible entry or detainer, twenty shillings.

Copy of every writ, when demanded, one shilling and six-pence.

Serving an attachment against the estate of an absconding or absent debtor, so much as the judge who issued the warrant shall certify to be reasonable.

*Provided*, That no sheriff shall be allowed any fee for the service or execution of any writ or process, unless the same shall be returned, so as that the return thereof may be entered in the term in which the same shall be returnable (fees for executing a writ of possession only excepted.)

*The Orer's Fees in the Supreme Court and Circuit Courts.*

For calling every action, nine-pence.

Ring the bell, each action in court, one shilling.

Calling a jury, one shilling.

Swearing a witness, six-pence.

Making proclamation for the discharge of any person, nine-pence.

Calling the plaintiff, on a nonsuit, nine-pence.

Calling the defendant, on a default, nine-pence.

Calling the defendant on a recognizance, nine-pence.

Every proclamation upon a fine, nine-pence.

*The Juror's Fees in the Supreme Court and Circuit Courts.*

For every juror for each action on which he is sworn, one shilling.

Every juror coming to and attending a view and returning, six shillings per day.

Every juror from a foreign county coming to and attending at court, and returning, six shillings per day.

*The Fees of the Judges of the Courts of Common Pleas and Mayor's Courts.*

*Fees to the first Judge.*

For a licence to an attorney, eight shillings.

*Fees to the Recorder in the several Mayor's Courts.*

For the first motion in every cause, six shillings.

*Fees to be divided among the Judges who are present when the Service is done.*

For the first motion in every cause in the court of common pleas, three shillings.

**For** admitting a person to practice as an attorney, fifteen shillings.

**Admitting** a guardian on the act for the partition of lands, two shillings.

*Fees to be paid to the Judge, Mayor or Recorder who does the Service.*

**For** admitting an infant by guardian or next friend, one shilling and six-pence.

**Taking** bail, two shillings.

**Taking** acknowledgment of satisfaction out of court, one shilling.

**Attending** on shewing cause of action, or other special matter out of court, two shillings.

**Taking** an affidavit, one shilling.

**Allowing** a warrant of attorney, one shilling.

**Taking** the acknowledgment or proof of a deed or mortgage, lease and release to be considered as one deed, three shillings.

**A** certificate or order concerning an insolvent debtor, three shillings.

**A** warrant, order, report, certificate or appointment of trustees, in pursuance of the act concerning absconding and absent debtors, three shillings.

**Signing** a judgment, one shilling.

**Taxing** a bill of cost, two shillings; but no judgment shall be signed, or taxation of costs made by any assistant judge of any court.

*Fees of the Justices of the Peace, where they are entitled to Fees, and such Fees are not otherwise ascertained by Law.*

**For** a precept to summon a jury to enquire of a forcible entry or detainer, three shillings.

**Administering** an oath, one shilling.

**Swearing** a jury to enquire of a forcible entry or detainer, two shillings.

**A** precept to summon a jury to try a traverse of the force, three shillings.

**Swearing** the jury to try the traverse, two shillings.

**Drawing** the conviction on a forcible entry or detainer, eight shillings.

**A** warrant of restitution, three shillings.

**A** mittimus for a fine or forfeiture, one shilling and six-pence.

**A** warrant against any person for a breach of the peace, or a misdemeanor, one shilling and six-pence.

**A** bond or recognizance, two shillings.

**A** summons upon a penal law, one shilling.

**Drawing** a conviction, three shillings.

**A** warrant to levy a penalty, one shilling, and six-pence.

*The Attorney's Fees in the Court of Common Pleas, and Mayor's Courts.*

**For** a retaining fee, twenty shillings; but where several suits are brought upon one obligation, note or bill of exchange, no more than one retaining fee shall be allowed, nor shall any retaining fee be allowed in any suit, upon a bail bond, or to the defendant's attorney, upon confessing judgment on a bond, by virtue of a warrant of attorney.

**A** warrant of attorney, one shilling.

**Drawing** and copy of a plaint, one shilling and six-pence.

**Every** necessary motion, two shillings.

**Drawing** a declaration, six shillings.

**Copy** of a declaration, three shillings.

**Drawing** a plea, two shillings.

**Copy** thereof, one shilling.

**Drawing** all other pleadings, one shilling for each sheet containing seventy-two words; and for a copy thereof, six-pence for each sheet.

**Drawing** a writ of enquiry and copy, nine shillings.

For drawing every notice of trial, copy and service, two shillings.

Copy and serving on the judge or judges, one shilling.

Drawing every other notice, copy and service, one shilling and six-pence.

Drawing a brief for trial or inquest, and copy, six shillings.

Fee on trial or for arguing demurrer or special verdict, sixteen shillings.

Fee on inquest, eight shillings.

Attendance on a judge on examining a witness, or shewing cause of action, or to mitigate bail, or other special matter, two shillings.

Attendance on taxing costs, two shillings.

Copy of a bill of costs to be taxed for the opposite party or his attorney, when required, two shillings.

Drawing and copy of record of judgment, when done by him, twelve shillings.

*Fees of the Clerks of the Courts of Common Pleas, and Mayor's Courts.*

For every writ of *capias*, entering the action and seal, two shillings.

A bond given by the plaintiff to prosecute, when necessary, two shillings.

Copy of a declaration, when required, three shillings.

Copies of all other pleadings, when required, six-pence for each sheet of seventy-two words.

Filing every declaration, or other pleading or paper, six-pence.

Entering a *retraxit*, or discontinuance, or satisfaction, one shilling.

Entering every rule, one shilling; and for a copy thereof, when required, one shilling.

Attending the striking or ballotting a jury, or both, and making a copy of the panel for each party, four shillings.

Entering an appearance or default, six-pence.

Entering the return of every writ, six-pence; and filing the writ, six-pence.

Drawing special bail when he does it, one shilling.

Reading and entering allowance of *habeas corpus*, writ of error, or *certiorari*, and for the return thereof, four shillings.

A *venire*, or other jury process, and seal, three shillings.

A subpoena, two shillings.

Calling a panel, and swearing a jury, one shilling and six-pence.

Swearing each witness on trial, six-pence; and swearing a constable, six-pence.

Reading every paper given in evidence, six-pence.

Receiving and entering a verdict, one shilling.

Entering judgment, one shilling.

Sealing a writ of enquiry, one shilling and six-pence.

An execution and seal, three shillings.

Entering recognizance of bail on record, two shillings.

Drawing and copy of a record of judgment, when done by him, twelve shillings; and for a copy to be signed, when the attorney makes the draft, six shillings.

Searching the records in any one year, six-pence; and for every other year in which such search is made, four-pence.

Docketing a judgment, one shilling.

Filing a record, six-pence.

Searching for a judgment in one term, one shilling; and in every other term in which such search is made, six-pence.

Swearing each witness to a will or codicil, six-pence.

Drawing the proof of wills or codicils, one shilling for each sheet of seventy-two words.



**For recording deeds, wills and testaments, and the proof thereof required by law, one shilling and six-pence for each sheet containing one hundred and twenty-eight words; and for copies thereof, when required, one shilling for every sheet of one hundred and twenty-eight words.**

*Fees of the Clerk of the Sessions.*

**For reading and filing every town order, or other order brought to the sessions to be allowed, and entering the confirmation thereof, two shillings; and for recording the same, if required, one shilling for each sheet containing seventy-two words.**

**And in all cases of crimes and misdemeanors, where the service is done at the request of the defendant, the clerk shall be allowed, and may take the following fees of the defendant :**

**For taking a recognizance, and drawing it up in form, two shillings, to be paid to the clerk, or other person who does the service.**

**A subpoena, two shillings.**

**Entering the defendant's appearance, nine-pence.**

**Every order or rule of court, nine-pence.**

**Entering a nolo prosequi or cessat processus, one shilling and six-pence.**

**Reading and entering an allowance of a pardon, one shilling and six-pence. Swearing a witness, six-pence.**

**Reading every paper given in evidence, six-pence.**

**Respicing a recognizance, nine-pence.**

**Discharging a defendant by proclamation, nine-pence.**

**Entering defendant's confession, one shilling.**

**Entering or filing defendant's plea, six-pence.**

**Taking and entering verdict, when for defendant, one shilling.**

**Entering judgment for defendant, one shilling.**

**Copies of records, indictments and pleadings, when required, for each sheet containing seventy-two words, six-pence.**

**Making up record of judgment for defendant, when required, twelve shillings.**

**Entering the allowance of every habeas corpus, writ of error, or certiorari, and returning the same, four shillings.**

**And where any defendant shall be convicted of, and fined for any crime or misdemeanor, the court may allow such costs of prosecution out of the same fine, as such court shall judge reasonable; and shall cause an entry thereof to be made in the minutes of the court; and the clerk, in the estreat thereof, shall mention the same, in order that the court of exchequer may see how much of the said fine is to be answered to the people of this state; and when such fine is paid to the sheriff or other officer, he shall pay such costs so allowed, out of the same.**

*The Sheriff's Fees in the Courts of Common Pleas and Mayor's Courts.*

**For serving a writ, three shillings.**

**Mileage going only from the place fixed by law, six-pence per mile.**

**Every bail bond, three shillings.**

**Returning a writ, if served, nine-pence.**

**Summoning a jury, six shillings.**

**Attending a view, ten shillings per day; and going and returning, eight shillings per day.**

**Every demand of a defendant upon an exigent, and every proclamation, on a writ of proclamation or in a real action, one shilling.**

For serving an execution for or under one hundred pounds, six-pence per pound; and for every pound more, three-pence; the poundage on writs of fieri facias, and all other writs for levying money, to be taken only on the sum levied.

Serving a writ of possession or restitution, with the aid of the posse comitatus, twenty shillings, and without such aid, ten shillings; and mileage going only, for every mile from the place fixed by law, six-pence.

Making and returning a book of freeholders for striking a jury, thirty shillings.

Every person committed to prison, three shillings.

Discharging every person from prison, three shillings.

Executing a writ of enquiry, summoning the jury for the purpose, and returning the inquisition, twelve shillings.

Attending with a prisoner before a judge, on his being surrendered by or in discharge of his bail, and receiving the prisoner into custody, four shillings.

Copy of every writ, when demanded, one shilling.

Serving an attachment against the estate of an absconding or absent debtor, so much as the judge who issues the warrant shall certify to be reasonable.

*Provided*, That no sheriff shall be allowed any fee for the service or execution of any writ or process, unless the same shall be returned, so as that the return thereof may be entered in the term in which the same shall be returnable (fees for executing a writ of possession only excepted.)

*The Crier's Fees in the Courts of Common Pleas, Sessions, and Mayor's Courts.*  
For calling every action, nine-pence.

Calling a jury, one shilling.

Calling and swearing a witness, six-pence.

Ringing the bell for every action, nine-pence.

Calling a defendant, six-pence.

Calling a plaintiff on a non-suit, six-pence.

Making proclamation for the discharge of any person, six-pence.

Calling any person on recognizance, six-pence.

*The Jurors Fees in the Courts of Sessions, Common Pleas and Mayor's Courts.*  
For every juror sworn in each action, one shilling.

Every juror attending a view, four shillings per day.

#### *The Coroner's Fees.*

For the view of each body, thirty shillings. *Provided*, That in Richmond county the coroner's fees shall be no more than twenty shillings.

Serving writs in all cases, the like fees as are herein before allowed to the sheriff, for the like service.

And the fees of the coroner for taking inquests in each county, shall be certified by at least two of the supervisors, and paid by the treasurer of the county; and in the city of New-York, the same shall be paid in the same manner as the other contingent charges in the said city are directed to be paid.

*The Constables Fees, where they are entitled to Fees, and such Fees are not otherwise ascertained by law.*

For serving a warrant, one shilling and six-pence.

Serving a summons, one shilling.

Mileage for every mile going only, six-pence.

**For levying a fine or penalty to the amount of twenty shillings, or under, one shilling; and on all sums above twenty shillings, at the rate of one shilling in the pound.**

**Taking a defendant in custody on a mittimus, one shilling.**

**Conveying a prisoner to gaol, one shilling, if within one mile; and for every mile more going only, six-pence.**

*Fees in the Court of Admiralty.*

*To the Judge.*

**For the seal to process, four shillings.**

**The seal to exemplifications, ten shillings.**

**Every sentence, thirty shillings.**

**Taking an affidavit, one shilling.**

**Taking every stipulation, four shillings.**

**Swearing a defendant or witness, and certificate thereof, two shillings.**

**Taxing every bill of costs, ten shillings.**

*The Advocates Fees.*

**For retaining fee, thirty shillings.**

**Every motion made without effect, five shillings.**

**Attendance at every court, when any thing is necessary to be done there in the cause, five shillings.**

**Arguing on the final hearing, where a cause is litigated and a full defence is made, but in no other case, forty shillings.**

**Perusing, examining and signing a libel, answer, plea, demurrer, or any other special pleadings, interrogatories or exceptions, when the advocate is not the proctor in the cause, ten shillings.**

**Arguing on any special motion, ten shillings.**

**Arguing every plea, demurrer or exceptions, twenty shillings.**

**And no fees to be taxed for more than one advocate in the same cause.**

*Fees of the Proctors in the Court of Admiralty.*

**For retaining fee, thirty shillings; but when the same person acts both as advocate and proctor, no retaining fee shall be allowed as proctor.**

**Drawing every libel or information, answer, replication, or other pleading or exceptions, one shilling and six-pence for each sheet containing ninety words; and for copies, nine-pence for each sheet as aforesaid.**

**Every motion made with effect, when he acts as advocate, five shillings.**

**Attendance at every court, when any thing is done in the cause, five shillings; but no person shall be allowed for attendance both as proctor and advocate in the same cause at the same court.**

**Drawing interrogatories, one shilling and six-pence for each sheet containing ninety words; and for a copy thereof, nine-pence for each as aforesaid; but if any one set of interrogatories shall exceed thirteen sheets, no more than twenty shillings shall be allowed for drawing the same; and no more than ten shillings for a copy thereof.**

**Every notice, copy and service, three shillings.**

**Abbreviating pleadings, depositions and exhibits, three-pence for each sheet containing ninety words.**

**Arguing on a final hearing when the proctor is not the advocate in the cause, fifteen shillings.**

**Copy of a bill of costs for the opposite party, when necessary to be taxed, three shillings.**

For Attending taxation of costs, four shillings.

Arguing any demurrer or exceptions, when the proctor is not the advocate in the cause, ten shillings.

*Fees of the Register in the Court of Admiralty.*

For drawing every stipulation, process, monition, or subpoena, one shilling and six-pence for each sheet containing ninety words; and nine-pence for engrossing each sheet.

Entering the return of process, one shilling and six-pence.

Filing every libel, claim, pleading or other paper, one shilling.

Reading each pleading, deposition and exhibit on hearing, one shilling.

Copies of the pleadings, interrogatories, depositions and exhibits, when required, nine-pence for each sheet of ninety words.

Entering each proclamation, one shilling and six-pence.

Entering each default, one shilling.

Entering every motion of the plaintiff or defendant, one shilling.

Entering every rule of court, one shilling and six-pence.

Examining each witness, and drawing his deposition, one shilling and six-pence for each sheet containing ninety words.

Certifying each exhibit or writing shewn to a witness at his examination, two shillings.

Drawing every decree or decretal order, one shilling and six-pence for each sheet containing ninety words: and for entering the same in the minutes, nine-pence for each sheet as aforesaid.

Drawing a record or making a draft of apostles, one shilling and six-pence for each sheet containing ninety words; but no pleading, deposition, exhibit or other writing to be inserted therein verbatim, or in hoc verba, shall be computed as any part of such draft.

Entering a record in the register, or engrossing or copying apostles or records to be sealed or exemplified, nine-pence for each sheet of ninety words, including all the pleadings, depositions, exhibits and writings inserted therein.

Every certificate, one shilling and six-pence.

Entering return of appraisement or sales, nine-pence for each sheet of ninety words.

Drawing commission to examine witnesses, one shilling and six-pence for each sheet containing ninety words; and for engrossing the same, if on parchment, one shilling, including the parchment; and if on paper, nine-pence for each sheet of ninety words.

All money deposited in court, three-pence in the pound.

*The Marshal's Fees in the Court of Admiralty.*

For summoning every witness or appraiser, one shilling.

Giving notice of holding the court to each proctor or advocate, one shilling.

Swearing each witness in court, six-pence.

Making each proclamation, one shilling.

Serving every capias, attachment or summons, twelve shillings.

Travelling each mile, going only, either to serve process or subpoena witnesses, one shilling.

Custody fees of a vessel, ten shillings per day.

Sales, six-pence per pound for any sum under two hundred pounds; and for any larger sum, three-pence per pound.

*Fees of the Court of Probates.*

- For administering an oath, one shilling.
- Drawing the proof of a will or codicil, one shilling and six-pence for each sheet containing one hundred and twenty-eight words.
- The probate of a will, and the letters testamentary thereon, or letters of administration, one shilling and six-pence for each sheet of one hundred and twenty-eight words.
- Affixing the seal to the same, six shillings.
- Drawing and copy of bond on granting letters of administration, four shillings.
- Recording wills, codicils, and the proof thereof, and letters testamentary, and letters of administration, one shilling and six-pence for each sheet containing one hundred and twenty-eight words.
- Entering and filing a caveat, one shilling and six-pence.
- A citation to witnesses, or for any other purposes, including the seal, six shillings.
- Taking, and entering and filing a renunciation, three shillings.
- Filing an inventory, one shilling.
- Searching the records in his office for any one year, one shilling; and for every other year in which such search is made, six-pence.
- Filing a petition, one shilling.
- Making and entering every order, six shillings.
- Taking depositions, one shilling and six-pence for each sheet containing one hundred and twenty-eight words.
- Copies of all records, depositions or other pleadings, when required, one shilling for each sheet of one hundred and twenty-eight words.
- Every decree or sentence in suits for legacies or distribution, thirty shillings.
- An execution, ten shillings.
- Hearing and determining where a will or administration is contested, or upon appeal, twenty shillings.
- The seal to exemplifications, six shillings.

*The Fees of the Surrogates.*

- For administering an oath, one shilling.
- Drawing the proof of a will or codicil, one shilling and six-pence for each sheet containing one hundred and twenty-eight words.
- The probate of a will, and letters testamentary thereon, or letters of administration, one shilling and six-pence for each sheet containing one hundred and twenty-eight words.
- The seal to the same, six shillings.
- The bond upon granting letters of administration, four shillings.
- Recording wills, codicils, and the proof thereof, and letters testamentary, and letters of administration, one shilling and six-pence for each sheet of one hundred and twenty-eight words.
- Entering and filing a caveat, one shilling and six-pence.
- A citation for witnesses, or any other purpose, including the seal, six shillings.
- Taking, entering and filing a renunciation, three shillings.
- Filing an inventory, one shilling.
- Searching the records in his office for any one year, one shilling; and for every other year in which such search is made, six-pence.
- Taking depositions, one shilling and six-pence for each sheet containing one hundred and twenty-eight words.

For copies of records or depositions, when required, one shilling for each sheet containing one hundred and twenty-eight words.

Hearing and determining where a will or administration is contested, twenty shillings.

The seal to exemplifications, six shillings.

*Witnesses Fees in the several Courts, and the Charges of summoning them.*

For each witness attending in his own county, two shillings per day.

Attending from a foreign county, and coming and returning, four shillings and six-pence per day.

The judge of the court of probates, the secretary of the state, or any clerk or surrogate, attending on subpoena, with wills, records or other written evidence, ten shillings per day.

Every surveyor for going to and returning from a view, and for going to, attending at and returning from the trial, ten shillings per day; and for his actual service on the view, twenty shillings per day.

Serving a subpoena on each witness, one shilling.

#### *The Secretary's Fees.*

For a commission for the chancellor, chief justice, or other justice of the supreme court, twenty-four shillings.

A commission for a mayor, twenty-four shillings.

A commission for a sheriff, twenty-four shillings.

A commission for the first judge of the court of common pleas, twelve shillings; and for every other judge of such court eight shillings.

A commission for a recorder, sixteen shillings.

A commission for a coroner, six shillings.

A commission for a clerk of a county, twenty-four shillings.

A commission for a general officer in the militia, sixteen shillings.

A field officer, twelve shillings.

A captain, five shillings.

A subaltern, three shillings.

A commission for any other office, being an office of profit, eight shillings; but no fees shall be exacted or demanded for commissions to justices of the peace, unless when a special or additional commission is issued; in such case each person named therein shall pay ten shillings for the same.

Entering a caveat, one shilling.

Searching the records in his office for any one year, one shilling; and for every other year in which such search is made, six-pence.

Recording deeds, one shilling and six-pence for each sheet containing one hundred and twenty-eight words.

Copies of records, one shilling for each sheet containing one hundred and twenty-eight words.

#### II. *And be it further enacted by the authority aforesaid,*

No fee to be taken for administering oaths to the members of the legislature; nor more than 2s. to any other officer.

That no person empowered to administer oaths, shall demand or take any fee for administering the oath of allegiance, or oaths of office, to the members of the legislature, nor more than two shillings for administering such oaths to any other officer.

III. And whereas the enrolling of decrees and dismissions in the court of chancery, in the manner now used, is a heavy and useless expence to the parties; Therefore, *Be it further enacted by the authority aforesaid,* That it

*Chancery decrees shall not be necessary to enroll any decree or dismissal not to be enrolled.*

hereafter to be made or given in the said court of chancery ; but that in all such cases the clerks of the said court shall immediately after any decree or dismissal is pronounced, deliver the bill, and answer, or answers, and other pleadings, if there be any in such cause, to the register of the said court, who shall annex them together, and file the same in his office ; and the register shall thereupon draw up and engross on parchment, the decree or dismissal in the same cause, with such reports and decretal orders as may have been made therein, but without any recital of the bill, answer or pleadings ; and shall annex the same, after it is signed by himself and the chancellor, to the said bill, answer and pleadings in the same cause, which shall be of the same force and effect, to all intents and purposes, as if such decree or dismissal had been enrolled in the manner heretofore used.

*IV. And be it further enacted by the authority aforesaid,*  
Persons acting in two capacities, not to have fees in both for the same services.

That whenever the same person shall act as attorney and counsel, or as solicitor and counsel, or as proctor and advocate in the same cause, he shall not be entitled for the same service to fees, both as counsel and attorney, or as counsel and solicitor, or as advocate and proctor ; but shall be allowed the fees of counsel only in the courts of common law and chancery, and of advocate in the court of admiralty, for the particular service done as counsel or advocate ; and the fees of an attorney, solicitor or proctor only, for the particular service done as attorney, solicitor or proctor ; and shall not in any such case be allowed any fees for attending upon or consulting with counsel or advocate, or for any copies of papers, pleadings or records, for counsel or advocate.

*V. And be it further enacted by the authority aforesaid,*  
How two or more persons bound by bond, or recognizance may be sued.

That where two or more persons are or shall be bound in one bond or recognizance, jointly and severally, or severally only, it shall be lawful in every such case to join all the obligors in such bond or recognizance or any part of them, in one action, and to prosecute the same to judgment and execution against the defendants in such action, and against their joint or separate property ; and afterwards, if the whole amount due upon such bond or recognizance, shall not be levied upon such first suit or judgment, to bring a further action or actions against the residue of the said obligors, or any or either of them, jointly or severally, at the option of the plaintiff or plaintiffs, and the same to prosecute to judgment and execution, against the said residue of the said obligors, or any or either of them, and against their joint or separate property ; any law, usage or custom to the contrary thereof in any wise notwithstanding : But the plaintiff or plaintiffs shall not cause to be levied, in the whole, more than the amount of the debt and damages due to him, her or them, with the costs of suit ; and if separate writs shall be issued against such obligors, or any of them, the plaintiff or plaintiffs shall be at liberty in any stage of the suits, to consolidate them into one suit ; and shall in no case, when two or more suits are depending at the same time, upon the same bond or recognizance, or on any promissory note or bill of exchange, have more than one taxation of costs ; and where the defendants reside in different counties, and writs are issued in several counties, the costs on each writ shall be taxed together, and in the same bill, with the residue of the costs.

*VI. And be it further enacted by the authority aforesaid,*  
Every man may be his own lawyer.

That it may be lawful for all and every person and persons to sue, prosecute, carry on and defend his, her or their suit

or action, by him, her or themselves, in person, in any court of justice in this state, without the aid of any attorney, solicitor, proctor, advocate or counsellor at law.

*VII. And be it further enacted by the authority aforesaid,* That if any person shall knowingly or wilfully exact or compel any person to pay for any of the services aforesaid, any other or greater fee, sum of money or reward, than is herein before allowed for the same, every such person, upon conviction thereof, either at the suit of the party grieved, or upon information or indictment, shall to the party grieved treble damages, and such fine to the people of the state of New-York, as the court in which such conviction shall be had, shall think proper to impose; and shall also, if an officer, forfeit and lose his office.

*VIII. And be it further enacted by the authority aforesaid,* That the act, entitled, An act for regulating the fees of the several officers and ministers of the courts of justice within this state; and the seventeenth section of the act, entitled, An act for settling intestates estates, proving wills and granting administrations, passed the twentieth of February, one thousand seven hundred and eighty-seven shall be, and hereby are repealed, from and after the first day of June next, except as to services performed before that day, and after the passing of the said acts respectively.

#### C H A P. XXVI.

*An ACT to remove Doubts respecting the Charter granted to the Members of the New-York Society Library.*

Passed 18th February, 1789.

**W**HEREAS the operation of the charter granted to the members of the New-York Society Library, incorporating them by the name of The Trustees of the New-York Society Library, bearing date the ninth day of November, in the year of our Lord one thousand seven hundred and seventy-two, was suspended during the war lately waged by the king of Great-Britain, against the United States of America; in order, therefore, to remove doubts respecting the said corporation,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That the said charter and all and singular the estates, rights, powers, authorities, liberties, privileges, franchises and immunities thereby granted, and which the said corporation and the members thereof did, or might lawfully hold, exercise and enjoy, on the nineteenth day of April, in the year one thousand seven hundred and seventy-five, by virtue of the said charter, shall be, continue and enure in full force, virtue and efficacy, to all intents, constructions and purposes in the law whatsoever, notwithstanding any non-user or misuser thereof, or any part thereof, between the eighteenth day of April, in the year one thousand seven hundred and seventy-five, and the day of the passing of this act; and that the members of the said corporation, and their legal representatives under the said charter, and each of them shall have, hold and enjoy, and be fully able and capable in the law to exercise all and singular the rights, powers and authorities to them belonging by virtue or in consequence of the said charter, although the yearly sums which ought to have been paid by them, or any of them, according to the said charter, may be in arrear and unpaid; and all such yearly payments and sums as have become due and payable, and now remain in arrear and unpaid, are



herely, resigned to the members of the said corporation; and that Robert R. Livingston, Henry Remsen, Robert Watts, Brockholst Livingston, Samuel Jones, Peter Kettletas, Walter Rutherford, Matthew Clarkson, Samuel Bard, Hugh Gaine, Daniel C. Ver Planck and Edward Grefswold, shall be, and hereby are declared and appointed the present trustees of the said library and corporation; and shall hold, possess and enjoy their said offices, until the last Tuesday in April now next ensuing, and until other fit persons shall be elected and chosen in their places according to the said charter.

# C H A P. XXVIII.

## An ACT for the further Amendment of the Law.

Passed 20th February, 1789.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for any defendant or tenant, in any action or suit, or for any plaintiff in replevin, in any court of record, with the leave of the same court, to plead as many several matters as he shall think necessary for his defence. Provided nevertheless, That if any such matter shall, upon a demurrer joined, be judged insufficient, costs shall be thereupon given at the discretion of the court; or if a verdict shall be found upon any issue in the said cause for the plaintiff, or demandant, costs shall also be given in like manner, unless the judge who tried the said issue shall certify, that the said defendant or tenant, or plaintiff in replevin, had a probable cause to plead such matter, which upon the said issue shall be found against him; and that in all cases where any defendant or tenant, in any action or suit, or any plaintiff in replevin now depending in any court of record, hath at any time heretofore pleaded several matters for his defence, the same shall be as good and available, and the like proceedings shall be thereupon had, as if this act had been made before that time, and was then in full force.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any defendant, or tenant in any action or suit in any court of record, except in cases of mutual dealings, to plead the general issue, and to give any special matter in evidence, which if pleaded, would be a bar to such action or suit, giving notice with the same plea, of the matter or several matters so intended to be given in evidence.

III. *And be it further enacted by the authority aforesaid,* That all issues joined, or hereafter to be joined in the supreme court, or in any other court, and brought into the supreme court to be tried, and which are or may be triable by a jury of any county in which the supreme court shall sit, may be tried either at the circuit court in such county, or at the bar of the said supreme court, when the same supreme court shall sit in such county, without any order of the same supreme court for that purpose; any law, usage or custom to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid,* That if any material witness or witnesses, in any action or suit now depending, or at any time hereafter to be depending in any court of record in this state, shall not reside in this state, it shall and may be lawful for the said court, on affidavit or proof being made thereof to the satisfaction of the said court, and upon motion made by either party in open court, and upon such terms as the said court shall think proper to award, and issue under the seal of the same court, a commission or commissions, to such persons as the same court may think

fit, authorising them, or any two or more of them, to examine such witness or witnesses on oath, upon the interrogatories annexed to such commission, and to reduce such examinations into writing, and to return the same annexed to the said commission unto the said court with all convenient speed; and the name of every witness to be examined by virtue of any such commission, shall be inserted in the same commission, and the interrogatories for the examination of all and every such witness and witnesses, shall be drawn and signed by the parties or their counsel in the cause in which the testimony is to be used, or such of them as shall request such commission, and be approved of by the same court, or one of the judges thereof, and shall be annexed to such commission; and each party shall be at liberty, with the approbation of such court or judge, to insert in such interrogatories, all such questions as he or they may deem proper and necessary. And the said commissioners so to be appointed in any such commission, or any two or more of them, shall and may examine the witnesses named therein, or such of them as they can meet with on oath, and cause the examination of each witness to be reduced to writing, and signed by the same witness, and such commissioner shall then also sign the same; and all such examinations, and all exhibits produced to such commissioners, and proved by any such witness or witnesses, shall be annexed to the said commission, and returned to the court out of which such commission issued, closed up and under the seals of two or more of the said commissioners; and if it is not convenient for either of the said commissioners to carry the same to one of the judges of the said court, then one of the said commissioners shall deliver the same to the agent of the party on whose behalf such witnesses shall be examined; and such agent, or in case of his death, the person into whose hands the same shall come, shall deliver the same to one of the judges of the said court, and make oath or affidavit before the same judge, that he received the same from the hands of one of the commissioners (or if such agent be dead, then such affidavit shall set forth in what manner the same came into the hands of the person who shall so deliver the same) and that the same has not been opened or altered since he so received it; and such judge shall then open the same, and endorse upon the commission, as the case may be, either received by the hands of one of the commissioners, or upon the oath of the person who delivers the same, as appears by his affidavit, and subscribe his name to the same endorsement, and shall then deposit the said commission, and return, with the said affidavit, in the office of the clerk of the said court, there to remain as a record; and every such deposition, being so taken and returned, shall be allowed and read, and shall be deemed as good and competent evidence in the cause in which it shall be taken, as if such witness had been present, and sworn and examined viva voce, in open court on the trial of such cause; any law, usage or custom to the contrary notwithstanding: And all parties concerned, shall be entitled to take copies of such depositions, at their own costs and charges, as soon as the same shall be deposited in the clerk's office as aforesaid. And in case any such commission shall not be returned within such reasonable time, as the said court shall from time to time allow for that purpose, then the said court may proceed as if no such commission had been awarded or issued.

V. *And be it further enacted by the authority aforesaid,* That in every suit now depending, or that may hereafter be depending, in any court of common pleas or mayor's court within this state, the said court shall be, and hereby is authorised and empowered to issue process of subpoena, requiring the attendance of any witness or witnesses who may reside in any part of

this state, to testify on the trial of the said cause, or on the execution of any writ or writs of enquiry to be executed therein, although such witnesses or witnesses shall not be within the jurisdiction of the said court, when served with the said subpoena. And further, That every witness who may be duly served with such subpoena, shall be, and hereby is required to attend at the time and place therein mentioned, under the like penalties, and shall be liable to the same action or actions, which he or she would have incurred or have been liable to for such refusal or neglect, if he or she had been within the jurisdiction of the said court at the time of the service of such subpoena.

VI. *And be it further enacted by the authority aforesaid,* That in all actions and suits now depending, or hereafter to be brought in any court of common pleas or mayor's court, where the demand of the plaintiff or the accounts between the parties exceed eighty pounds, if by reason of payments or discount the plaintiff shall recover less than ten pounds, exclusive of costs, then, and in every such case, the plaintiff shall recover his costs of suit to be taxed; any law, usage or custom to the contrary notwithstanding.

C H A P. XXIX.

*An ACT directing the Treasurer of this State to cancel certain Bills of Credit and Certificates therein mentioned, and for the further Direction of the Loan-Officers.* Passed 20th February, 1789.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

That the signers of the bills of credit, emitted by virtue of an act, entitled, † An act to take out of circulation the bills of credit emitted by law, and to emit others as a substitute, passed the 8th day of February, 1788, or any three of them, shall meet at the treasury of this state, as soon as convenient, and when so met as aforesaid, the treasurer shall deliver unto the said signers, the sum of six thousand pounds of the bills of credit emitted by virtue of the before recited act, being so much more than sufficient to exchange the money emitted by a former law; as also, all the loan-office money that is or shall come into the treasury, emitted by former laws of the late colony, as also all the money that is or shall come into the treasury, emitted by virtue of resolutions of the provincial congress and convention of this state; as also, all the money that is or may come into the treasury by virtue of an act, entitled, ‡ An act for emitting money upon the credit of this state, passed the 27th day of March, 1781, together with a list of the several denominations of the said bills; and having examined and compared the said bills with such list, shall destroy the said bills, and shall certify that they have destroyed the bills mentioned and designated in such list; which list so certified, shall be delivered to the said treasurer and a copy thereof so signed, shall be kept by the said signers, or one of them, to be by him or them delivered to the legislature when thereunto required.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the treasurer of this state, to deliver unto the said signers, in manner before directed, all such certificates as are or may be in the treasury, and belonging to this state, and which were issued in pursuance of the

† 9th sess. ch. 40. fifty-first and subsequent sections of the act, entitled, ‡ An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned, passed the 18th day of April, 1786; certificates for the pay of the militia and levies; certificates

issued for claims on forfeited estates, and certificates for money borrowed, in pursuance of resolutions of the convention and committee of safety of this state; and all other certificates issued by the treasurer of this state, making a true list of all such certificates; which list shall contain the amount and date of every such certificate, and the number and value thereof; and the said signers having examined and compared the said certificates with such lists, shall destroy the said certificates, and shall certify that they have destroyed the certificates mentioned and designated in such list; which list so certified, shall be delivered to the said treasurer, and a copy thereof so signed, shall be kept by the said signers, or one of them, to be by him or them delivered to the legislature when thereunto required.

III. *And be it further enacted by the authority aforesaid,* That the said signers shall be entitled to receive for each day they shall be so employed in examining and destroying the said bills of credit, and securities, the sum of sixteen shillings; which the treasurer is hereby directed to pay out of any unappropriated money in the treasury.

IV. *And be it further enacted by the authority aforesaid,* That in case the whole or any part of the principal borrowed by any person from any loan-office in this state, shall at any time be paid, or come into any such loan-office, no part thereof shall be re-loaned, but the same shall be paid to the treasurer of this state, together with the money received in such loan-office for interest, and shall be disposed of in the same manner as the said interest.

## C H A P. XXXI.

*An ACT relative to Highways and Bridges in the Towns therein mentioned.*

Passed 24th February, 1789.

**W**HEREAS the town of Clermont is bounded for a considerable extent upon the river, commonly called Roeloff Janzen's Kill, which requires many and expensive bridges: And whereas no provision is made for building and keeping in repair such bridges, where the town of Clermont joins the town of Livingston; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That the

† 7th sess. ch. 52.

twenty-fourth section of the act, entitled, † An act for the better laying out, regulating and keeping in repair, all common and public highways and private roads in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany and Montgomery, be extended to bridges now built, and also to one other bridge and causeway to be built at the most convenient place near where the said Roeloff Janzen's Kill or Creek empties into Hudson's River; which bridges shall be erected and maintained at the expence of the towns of Livingston and Clermont, in the manner that certain bridges therein mentioned are, by the said section, directed to be maintained by the towns of Goshen and Cornwall.

II. *And be it further enacted by the authority aforesaid,* That the twenty-eighth section of the said above recited act, be extended to all cases of roads hereafter to be laid out through the said towns.

III. *And be it further enacted by the authority aforesaid,* That the commissioners of the highways for the time being, for the towns of Warwick and Minisink, in the county of Orange, shall be empowered, and are hereby directed and required to cause the two following bridges and causeways to be well and sufficiently made and kept in repair; to wit, One bridge and cause-

way across Warwick creek, near Shoemaker's mill; the other bridge and causeway across Ruger's kill or creek, near John Ferguson's mill, and below the same, or where the old bridge below the mill formerly stood, as shall appear to the said commissioners, to be most convenient for the accommodation of the inhabitants and travellers; and the account and expences attending the said two bridges and causeways, shall be raised and paid in like manner, by the towns of Cornwall, Goshen, Warwick and Minisink, as the public bridges and causeways, particularly mentioned in the twenty-fourth section of the before mentioned act, are by law directed to be raised and paid in the precincts of Cornwall and Goshen; any law to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons, in the township of White-Hall or Wetfield, in the county of Washington, shall hereafter cut down any tree or trees, by which the creek, commonly called and known by the name of Wood-Creek, shall be in any manner obstructed, in any part thereof between Fort-Ann and the falls in the township of White-Hall, such person or persons shall forfeit and pay, for every such tree so cut down as aforesaid, the sum of forty shillings, the one half for the use of the complainant, and the other half for the use of the poor of the town where the offence shall be committed; to be recovered before any one or more of the justices of the peace in the said county of Washington; by any person or persons who shall sue for the same.

C H A P. XXXII.

*Amended,  
14th Feb. 1811. ch. 42.*

*An ACT for the Sale and Disposition of Lands belonging  
to the People of this State.*

Passed 25th February, 1789.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

*Surveyor-general to  
lay out twenty town-  
ships on the eastern  
side of the lands lately  
purchased from the  
Indians.*

That the surveyor-general of this state for the time being, shall and may, as soon as conveniently may be after the passing of this act, cause twenty townships to be laid out and actually surveyed, upon the eastern side of the lands purchased from the Indians, at the late treaty held with them, on the part of this state, between the lands reserved at the said treaty by the Oneida nation, and the lands purchased from the Indians, at the treaty, held in the year one thousand seven hundred and eighty-five; each

*Each township to be  
five hundred chains  
square.*

of which townships shall be five hundred chains square, or as nearly so as circumstances will admit; and upon running the out-lines thereof, the surveyor-general shall cause a mark or monument to be made or erected at the ends of the said out-lines, and at the termination of every fifty chains between the same, where local circumstances will admit the said out-lines to be straight; and after the out-lines of the said townships respectively have been so surveyed as aforesaid, the surveyor-general shall cause a line to be run parallel to any of the straight lines of each township, the whole extent thereof, and another line at right angles to such parallel line, the whole extent of such township, so as to divide each township into four equal parts, as nearly as may be, and as nearly square as may be; which lines shall be likewise marked in manner aforesaid; and shall forthwith make a map or maps of the said townships, and upon such map or maps shall divide each of the said townships into lots containing

two hundred and fifty acres of land, or as nearly so as circumstances will admit, by lines to be drawn through the said marks or monuments parallel and at right angles to the straight sides of the said townships; and shall number the lots in each township successively, with the numbers from one to one hundred, including both numbers; a copy of which map or maps, together with a copy of his field-book, containing a description of the quality of the soil, timber, and creeks along such lines as shall be run as aforesaid, shall be by him filed without delay, in the office of the secretary of this state, and another copy of the same preserved in the office of the said surveyor-general, for public inspection.

II. *And be it further enacted by the authority aforesaid,* That in every township so laid out, or to be laid out as aforesaid, the surveyor-general shall mark one lot on the map, gospel, and one other lot, schools; which lots shall be as nearly central in every township as may be; and the lots so marked shall not be sold; but the lots so marked, gospel, shall be reserved for, and applied to supporting the gospel in such township, and the lot marked, schools, for the use of schools in such township.

III. *And be it further enacted by the authority aforesaid,* That upon the filing of the said maps as aforesaid, the commissioners of the land-office and the said surveyor-general, shall select and designate five of the said townships, to be sold only for gold, silver, or bills of credit emitted by virtue of the act, entitled, *§ An act to take out of circulation the bills of credit emitted by law, and to emit others as a substitute,* passed

the eighth day of February, one thousand seven hundred and eighty-eight; and the said commissioners shall thereupon affix to each of the said townships to be laid out by virtue of this act, such and so great a price per acre, as they shall judge reasonable: Provided, That the same shall not be less than three shillings for each acre of land in the said townships.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the commissioners of the land-office shall have so as aforesaid determined the price of the land in each of the townships to be laid out by virtue of this act, they shall cause such townships respectively, with the price of the land in the same, to be advertised by the surveyor-general, in at least three of the public news-papers in this state, one whereof to be printed by the printer to the state (if any such there be) one to be printed in the city of New-York, and one in the city of Albany; and in and by the said advertisements, shall cause public notice to be given, that applications for the said lands respectively, will be received at the office of the said surveyor-general, at any time previous to a certain day therein to be mentioned, and to be prescribed by the said commissioners; which day shall not be less than two, nor more than three calendar months from the time of the first publication of the said advertisements respectively; and the said advertisements shall respectively be continued in the said papers, at least once a week, until the said days therein to be mentioned, shall respectively be passed.

V. *And be it further enacted by the authority aforesaid,* That the surveyor-general shall, and it is hereby made his duty to receive and register in a book to be by him for that purpose kept, and without fee or reward, all applications that shall be made in writing, in consequence of this act, for the said townships, or any of the lots therein contained, in such manner that the names of all applicants for each respective lot in the said townships, shall be respectively placed together in the said book, and may (if the number of applicants will admit thereof) be seen at one view.

*if there is only one applicant for any lot the said be entitled to a grant for it.*

VI. *And be it further enabled by the authority aforesaid,* That if at the day to be appointed in such advertisements respectively, there shall appear to have been only one applicant for any of the lots contained in the said townships respectively, then, and in such case, such applicant shall be entitled to a grant of the lot or lots for which he applied as aforesaid; but if more than one application shall have been made for any of the said lots, then, and in every such case, the surveyor-general shall and may, on the day next after the day mentioned in such advertisements respectively, and within so many days thereafter, as may be necessary for that purpose, set up such lots, and every of them separately at vendue or auction, to the applicants for the same respectively; and such of the said applicants as shall bid the highest for the said lots respectively, above the price affixed as aforesaid by the commissioners of the land-office, shall be entitled to a grant of the said respective lots, at the price which they shall respectively bid for the same; and if it should so happen, that at such vendue, none of the said applicants will bid more than the said affixed price, then, and in such case, the surveyor-general shall determine by drawing of lots, to which of them the lot they applied for, shall belong at the affixed price; and in case all the lots in any of the said townships shall not be applied for in the manner herein before directed, then, and as soon as all the lots which shall have been so applied for, shall be disposed of in manner aforesaid, the surveyor-general shall, for the space of two days thereafter, receive applications for any lot or lots remaining unsold, and proceed in the disposal thereof in like manner as if the same had been applied for previous to the day so to be prescribed as aforesaid.

VII. *And be it further enabled by the authority aforesaid,* That if it shall happen, that any of the lots in the said townships respectively, shall remain, without any application having been made for them in manner aforesaid; or if any of the persons entitled to grants of lots as aforesaid, shall neglect or refuse to pay for the same in the manner herein after directed, then, and in every such case, the commissioners of the land-office are hereby authorized to cause the said lots respectively, to be again advertised in the manner herein before prescribed; and thereupon applications for the same shall be received, and the like proceedings had for the disposal and sale thereof, as are herein before directed; and the same may be, from time to time, repeated, until the whole of the said lots are disposed of as aforesaid.

*Commissioners empowered to lower the prices when they find they have fixed them too high;*

VIII. *And be it further enabled by the authority aforesaid,* That if it shall appear to the commissioners of the land-office, at any time or times hereafter, that the prices fixed by them for the said townships respectively, cannot be gotten for all the lots contained in any township, then, and in every such case, and whenever part of the lots contained in any such township shall have been previously sold as aforesaid, the said commissioners may affix a lower price for the same lots remaining unsold respectively; provided the same be not less than three shillings per acre, and shall and may thereupon cause the same lots so remaining unsold, to be advertised of anew, and such other proceedings to be had for the sale and disposal thereof, as are particularly mentioned and prescribed in and by the fifth section of this act.

*But not lower than three shillings per acre.*

IX. *And be it further enabled by the authority aforesaid,* That every person becoming entitled to a grant of land in the manner prescribed by this act, shall immediately thereafter pay unto the surveyor-general, such sum of mo-

ney as will defray the proportion chargeable upon the same, of the expense accrued by surveying the lines of the township or townships in which such land is situated, which are herein before directed to be run (each lot being hereby declared to be equally chargeable with such expense) and shall also, at the same time, pay unto the said surveyor-general, not less than one-fourth part of the purchase money; and if such person shall neglect or refuse to make the said payments, or either of them, within forty-eight hours after he or she shall appear entitled to such grant, he or she shall forfeit to the people of this state, the sum of five pounds, for each lot to which he or she shall become entitled as aforesaid; to be recovered, with costs of suit, by the surveyor-general for the time being, in his own name, by action of debt, in any court having cognizance thereof; but if such person shall pay the same as aforesaid, then the surveyor-general shall give unto such purchaser, a description of the lot or lots, to which such purchaser is entitled; and shall endorse on the said certificate, the sum by him received on account of the purchase money, and the sum still due, if any, on such purchase, including in one certificate, all the lands which one person becomes entitled to in one township, and no more; and if the person becoming entitled to any grant of land as aforesaid, by virtue of this act, shall not, within six months after the date of the said certificate, pay the sum certified to be still due, into the treasury of this state, or unto the surveyor-general, the money so as aforesaid paid by every such delinquent to the surveyor-general, shall be forfeited to the people of this state; and such delinquent shall lose all right to the land specified in such certificate; but if the sum so remaining due, shall be paid to the treasurer, or to the surveyor-general, within the time above limited, the treasurer, or the surveyor-general, as the case may be, shall endorse a receipt for the same upon the said certificate, and thereupon the said purchaser shall be entitled to letters patent for the land described in such certificate; Provided, That such forfeiture shall not exceed one quarter part of the purchase money.

X. *And be it further enacted by the authority aforesaid,* That for all expenses of survey, chargeable as aforesaid, and for the five townships which shall be so as aforesaid selected and designated, pursuant to the second section of this act, only gold and silver, and the bills of credit in the said sections mentioned, shall be receivable in payment; and that for the land contained in the fifteen other townships, to be surveyed and sold in pursuance of this act, gold and silver, the bills of credit aforesaid, and any public securities, issued by the treasurer or auditor of this state, or by the auditors appointed to liquidate and settle the accounts of the troops of this state, in the service of the United States, shall be received in payment, both at the treasury, and by the surveyor-general. Provided always, That no interest shall be computed upon any of the said public securities, after the times of the said purchases respectively.

XI. *And be it further enacted by the authority aforesaid,* That the commissioners of the land-office shall and may, from time to time, upon the production to them of such certificate as aforesaid, from the surveyor-general, with the treasurer's receipt thereon, direct letters patent to be issued for granting the lands described in such certificate, to the purchaser thereof, or the heirs of such purchaser, or any person or persons whom such purchaser, or the heirs of such purchaser, may appoint; which letters patent shall respectively be in such form and words, as the said commissioners shall direct; and shall contain an exception and reservation of all gold and silver mines, and



shall convey the lands specified in such certificates respectively; to the grantee, his heirs and assigns.

**XII.** *And be it further enacted by the authority aforesaid,* That all the lands purchased in one township, shall be included in one patent, or any greater number of patents, as the purchaser or purchasers may think proper; and that upon every patent to be issued by virtue of this act, the following fees, and no more, shall be due from and payable by the persons in whose favour the same shall issue; that is to say: To the commissioners of the land-office jointly, exclusive of the secretary, to be divided among them, as to the majority shall seem proper, for a township the sum of three pounds; for half a township, or any quantity of land more than half a township, and less than a whole township, the sum of two pounds; and the sum of one pound for every quantity less than half a township, except where only a single lot is granted, when they shall receive eight shillings, and no more; and to the secretary for preparing the letters patent, recording the same, and keeping the minutes of the said commissioners, the like fees as are herein before allowed to the commissioners of the land-office.

**XIII.** *And be it further enacted by the authority aforesaid,* That the same number of persons may be employed by the surveyor-general, and the like allowances made to them for completing the surveys directed by this act to be made, as are mentioned and prescribed in and by the thirtieth enacting

§ 9th sec. ch. 67. clause of the act, entitled, ‡ An act for the speedy sale of the unappropriated lands within this state, and for other purposes therein mentioned. And further, That the lands to be granted by virtue of this act, shall be exempt from taxes for the like term, and in like manner, as they would have been if granted by virtue of the act last mentioned.

**XIV.** *And be it further enacted by the authority aforesaid,* That the commissioners of the land-office shall be, and they are hereby inhibited from selling any lands by virtue of the said last mentioned act, until the legislature shall make provision for the same, except as to the unappropriated land which shall remain, of the purchase made by the people of this state from the Oneida Indians, in the year one thousand seven hundred and eighty-five, after making up any deficiencies which purchasers may have sustained by the lines of the towns interfering, if any such there be.

**XV.** *And be it further enacted by the authority aforesaid,* That it shall be lawful for the commissioners of the land-office for the time being, and they are hereby required to direct letters patent under the great seal of this state, to be made, granting to Peter Penet, John Francis Perache, and John I. Bleeker, respectively, and their respective heirs, the lands reserved for, or agreed to be given to them respectively, by the last treaty made with the Oneida Indians, by the commissioners appointed for holding treaties with the Indians within this state: And as a further compensation on the part of this state, for the faithful services of the said John I. Bleeker, the said commissioners are hereby empowered to direct letters patent to be granted to the said John I. Bleeker, and his heirs, for a tract of land contained within the bounds following, to wit: Beginning at the north-east corner of the tract of land, granted to James Deane; thence westerly along the north bounds thereof, one mile; thence with a line perpendicular to the said north bounds, one mile; thence easterly with a line parallel to the said north bounds, one mile; thence to the place of beginning.

XVI. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the commissioners of the land-office for the time being, and they are hereby required to direct letters patent under the great seal of this state to be made, granting to John T. Kirkland, and his heirs, a tract of land of one square mile, and to George W. Kirkland, and his heirs, a tract of land of one mile square, and to Samuel Kirkland, and his heirs, a tract of land of two square miles; the whole to be contiguous, and laid out by the surveyor-general, so as to form a square of two miles, and to be bounded on the line of property, and adjoining the southern bounds of the lands heretofore granted to Abraham Wemple: And further, to direct a grant to the said Samuel Kirkland, for all that tract of land bounded as follows, to wit: Beginning at the southwest corner of the land granted to James Deane, and running thence southerly to the south-west corner of the tract stipulated to be granted to the said John, George and Samuel Kirkland; thence with a line perpendicular to the west bounds thereof, to the line of the Oneida reservation; thence northerly along the same to the place of beginning.

XVII. *And be it further enacted by the authority aforesaid,* That the surveyor-general shall lay out for the New-England Indians, all that part of the tract of land formerly given to them by the Oneida Indians, which is included in the cession lately made by the Oneida Indians to the people of this state; and laying southward of the lands herein before directed to be granted to Samuel Kirkland, John T. Kirkland, and George W. Kirkland; which tract of land, so laid out, shall be called Brother-Town, and shall remain for the cultivation, improvement and use of the said New-England Indians and their brethren, consisting of the tribes called the Mohegan, Montague, Stonington and Narraganset Indians, and the Pequots of Groton, and Nehanticks of Farmington, and their posterity; but without any power of alienation or right of leasing the same lands, or any part thereof, for any longer term than ten years; and without any power of granting such leases, where there shall be any subsisting lease, including the same lands. And that the tract of land confirmed by the Oneida Indians to the Stockbridge Indians at the said treaty shall be and remain to the said Stockbridge Indians, and their posterity, under the restrictions and limitations aforesaid.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the commissioners of the land-office in their discretion, to direct the surveyor-general to survey and lay out, at the expence of the people of this state, one or more tracts of land, in the tract lately ceded by the Oneida Indians to the people of this state, not to contain in the whole, more than twenty-five thousand acres. And further, That the said lands shall be granted to such person or persons, as the said commissioners shall contract with, well and sufficiently to make any road or roads, or any part of any road or roads, in or towards any part of the lands now belonging to the people of this state; or to make and erect any bridge or bridges, upon any road or roads, in or towards such land as the said commissioners in their discretion may direct to be laid out or erected; which lands shall be granted in such proportions as the said commissioners shall for that purpose contract for and direct; and that the said commissioners, before letters patent shall be issued for such lands, shall direct the surveyor-general to examine the said roads and bridges; and if the said surveyor-general shall report that such roads and bridges are well and sufficiently made, then letters patent shall issue to the persons who shall have made the same,

<sup>1</sup> Commissioners to direct surveyor-general to lay out 25,000 acres in the tract lately ceded by the Oneida Indians to this state, to be disposed of for making roads.

for such part thereof, and in such proportions, as the said commissioners shall have agreed to grant the same for making the said roads or bridges.

XIX. *And be it further enabled by the authority aforesaid,* That it shall and may be lawful to and for the commissioners of the land office, in their discretion to direct the surveyor-general to survey and lay out, one or more tracts of land between the river St. Lawrence and Lake Champlain, to contain in the whole, not more than twenty-five thousand acres, and to divide the same at the expence of

the state; such lands to be granted, in the manner, and under the like provisions contained in the last preceeding clause, to such persons who shall well and sufficiently make such roads, in that part of the state lying between the river St. Lawrence, Lake George and Lake Champlain, as the said commissioners may think proper to direct.

C H A P. XXXIII.

*An ACT securing to James Rumsey, the sole Right and Advantage of making and employing, for a limited Time, the several mechanical Improvements by him lately invented.* Passed 16th February, 1789.

**W**HEREAS James Rumsey, of Berkley county in Virginia, hath represented to the legislature of this state, that he hath invented or improved divers engines and machines, upon principles and constructions not heretofore known or used, that is to say, A new and easy method of generating steam in large quantities, for the purpose of working engines, by forcing a small quantity of water through one or more incurvated tubes, placed in a furnace; which tube or tubes, is distinguished by the name of a pipe boiler; a new and easy method of raising water in great quantities, to any height that may be necessary for any mechanical or other useful purpose, by means of steam acting upon and moving two pistons at the same time, whereby the weight of one or more atmospheres may be applied for raising water in one trunk or tube; which improvement the said James Rumsey hath distinguished by the name of a pump piston machine; a new improvement upon Doctor Barker's mill, a mode by which mill-stones, and other machinery requiring a circular motion, may be turned by, or worked with a smaller quantity of water than by any plan yet exhibited to the public, and entirely free from the difficulties which prevented Doctor Barker's invention from coming into use; a new and easy mode of working mill-saws or other machinery requiring alternately an opposite motion, by applying the whole weight or force of the water used alternately to a piston moving in a cylinder, which improvement is distinguished by the said James Rumsey by the name of a cylindric saw mill; a new mode of raising water by means of steam acting upon a piston floating on the surface of the water, in a trunk or cylinder, whereby water may be driven or forced up another trunk or tube, to any height not exceeding thirty-three feet, and by repeating the machinery, may be raised from thence to any other height. And whereas the said James Rumsey hath prayed that an act may pass granting to him, his executors, administrators and assigns, the sole and exclusive right of making and using, or permitting others to make and use the above recited engines and mechanical improvements for a certain limited time; wherefore, to encourage every useful improvement and discovery, and as a reward for his ingenuity,

I. *Be it enacted by the people of the state of New-York, represented in Senate and assembly, and it is hereby enacted by the authority of the same, That the said James Rumsey, in his own proper person, or by his certain attorney, shall, within nine months after the passing of this act, lodge in the secretary's office of this state, such specimens, draughts, or models, of the above recited machines, and inventions, as shall clearly and fully distinguish and ascertain their form, and the principles upon which they operate.*

II. *And be it further enacted by the authority aforesaid, That as soon as the said James Rumsey, by himself or his certain attorney, shall lodge such draughts, specimens or models in the secretary's office, in such manner, and within such time as is herein before directed, that then the said James Rumsey, his executors, administrators and assigns, shall be, and they are hereby vested with the sole and exclusive right of making and using, or granting to others, the right of making and using, the above recited engines, machines and mechanical improvements, for and during the full end and term of fourteen years, from and after the end of the present session of the legislature, in any place within this state.*

III. *And be it further enacted by the authority aforesaid, That if any person or persons whomsoever, without being properly authorized by him the said James Rumsey, his executors or administrators, shall make, use or employ, any of the herein before recited engines, machines or mechanical improvements, constructed upon the principles herein before mentioned, every person or persons so offending against the true intent and meaning of this act, for each and every such offence, shall forfeit and pay unto the said James Rumsey, his executors or administrators, or to such other person or persons as he the said James Rumsey, his executors, administrators or assigns shall authorize and empower for that purpose, the sum of one hundred pounds; to be recovered by action of debt, in any court of record within this state, wherein the same may be cognizable, with costs of suit.*

IV. *And be it further enacted by the authority aforesaid, That neither this act, nor any thing therein contained, shall be taken, deemed or construed, to prohibit or prevent any person or persons from making, using and constructing any engines, machines or mechanical improvements, heretofore invented, or hereafter to be invented, which may be constructed on any other principles than those herein before recited.*

#### C H A P. XXXIV.

*An ACT to prolong the Time for collecting the Arrears of Taxes, heretofore made receivable in public Securities, and to direct the Apportionment of Losses sustained on Monies loaned by the People of this State, in the Counties of Albany and Columbia.*

Passed 27th February, 1789.

[This Act, except the following Clauses, is obsolete.]

V. **A**ND *be it further enacted by the authority aforesaid, That such losses which have already been sustained, or may hereafter be sustained by deficiencies arising from the monies which have been loaned in pursuance of an act entitled, † An act for emitting the sum of two hundred thousand pounds, in bills of credit, for the purposes therein mentioned, in the county of Albany, while it included the county of Columbia, shall be apportioned and be borne to and by the said*

† 9th sess. ch. 40.

counties respectively, in the manner following ; that is to say, All such deficiencies as may have arisen or hereafter may arise by means of any of the said monies loaned on lands or tenements mortgaged, situate in the county of Columbia, shall be borne by the said county of Columbia, and the remainder of the said deficiencies shall be borne by the county of Albany ; and shall be apportioned, levied and paid in the manner prescribed in and by the said last mentioned act, in the said counties respectively.

VI. *And be it further enacted by the authority aforesaid*, That the judges of the courts of common pleas, and the supervisors of the counties of Albany and Columbia collectively, shall execute and perform the duties enjoined on them by the said act last mentioned, in like manner as if the division of the said county of Albany had never been made.

C H A P. XXXV.

*An ACT to alter the Time and Place of estimating the Votes for Members of Assembly in the County of Westchester.*

Passed 27th February, 1789.

§ 10th Ed. ch. 15. **W**HEREAS the provisions of the act entitled, *An act for regulating elections*, have been found inconvenient, so far as they respect the time and place of canvassing and estimating the votes for members of the assembly in the county of Westchester ; Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That the supervisors of the said county, or the major part of them, shall meet together on the fourth Monday in May, in every year, at the place where the court of sessions of the peace is then to be holden in the said county ; and shall then and there proceed to do and execute all and singular the duties enjoined on them, in and by the fourteenth section of the act for regulating elections ; any thing in the said act contained to the contrary in any wise notwithstanding.

C H A P. XXXVII.

*An ACT to regulate the Rates of Ferriage, between the City of New-York and the Island of Nassau.*

Passed 28th February, 1789.

**W**HEREAS it is necessary to revise the rates established for ferriage, between the city of New-York and the island of Nassau ; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That from and after the first day of May next, the rates or prices for carrying or transporting men, women, horses, cattle, grain, and all other goods, merchandise, commodities and things whatsoever, in the ferry-boats from the city of New-York to the island of Nassau, or from the island of Nassau to the said city of New-York, shall be and remain, and hereby are established as follows ; that is to say,

For every horse, mare or gelding, with or without a saddle, ten-pence.

Every ox, one shilling and three-pence, and other neat cattle, one shilling each.

- For every live calf, hog or sheep, three-pence, and for every lamb, two-pence.
- Every hundred weight of butter, cheese, hogs-lard, hams, tallow or bacon, three-pence.
- Every hundred weight of bar-iron, nail-rod, nails, steel, shot, painter's colours, lead, pewter, rice, sugar, copperas, allum, brimstone, dyewood, or any other kind of grocery, commonly sold by the hundred, three-pence.
- Every hundred weight of copper, brass or iron hollow ware, six-pence.
- Every hundred weight of gun-powder, six-pence.
- Every hundred weight of beef in quarters, two-pence.
- Every hundred weight of beaver, racoon skins, or coats, or other furs, four-pence.
- Every bushel of salt, wheat, rye, Indian corn, buck-wheat, flax-seed, or any other article of grain, commonly sold by the bushel, an half-penny.
- Every bushel of apples, pears, peaches, potatoes, turnips, walnuts, green beans and peas, and every other article sold by the bushel, heap measure, an half penny.
- Every hundred of sheephead, shad or bass, one shilling.
- Every hundred perch, three-pence.
- Every bag full of flour, meal or bread, not exceeding two bushels, one penny.
- Every barrel of wheat, rye, or Indian meal, three-pence.
- Every barrel of bread, two-pence.
- Every hoghead or pipe of wine, rum, brandy or molasses, containing one hundred and twenty gallons, three shillings, and in that proportion for, casks of a greater or less size.
- Every barrel of soap, six-pence.
- Every hoghead of cyder, one shilling and six-pence.
- Every barrel of cyder, six-pence.
- Every barrel of beef or pork, six-pence.
- Every empty pipe or hoghead, six-pence.
- Every empty tight barrel, two pence.
- Every empty flour cask, one penny.
- Every turkey, goose, brandt or other wild or tame fowl, one farthing.
- Every dozen of small birds, one farthing.
- Every hundred eggs, two eggs.
- Every coach, six shillings.
- Every phaeton, four shillings.
- Every one horse chaise, two shillings and six-pence.
- Every riding chair, one shilling and eight pence.
- Every sulkey, one shilling and six-pence.
- Every waggon, three shillings.
- Every double sleigh, one shilling and six-pence.
- Every single sleigh, one shilling and three pence.
- Every pair of cart wheels, one shilling.
- Every pair of chair or waggon wheels, six-pence.
- Every thousand three feet shingles, four shillings.
- Every thousand shingles from twenty-four to twenty-seven inches in length, two shillings and six-pence.
- Every thousand shingles from eighteen to twenty-two inches in length, two shillings.
- Every thousand feet of joice or scantling, two shillings and six-pence.

For every board of one inch thick, twelve inches wide, and fourteen feet in length, three farthings, and in that proportion for boards and plank of different lengths and thicknesses.

- Every hundred lath for shingling, two shillings.
- Every thousand of cedar or pine lath, for cieling, one shilling.
- Every cedar bolt, one-penny.
- Every hundred feet of window glass, three-pence.
- Every tierce of lime, one shilling.
- Every bushel of loose lime, two-pence.
- Every thousand of brick, two shillings.
- Every full trunk or chest, nine-pence.
- Every empty trunk or chest, four pence.
- Every case with full bottles, four-pence, and if empty, two-pence.
- Every dozen wool or cotton cards, two-pence.
- Every dozen of Windsor or other sitting chairs, one shilling.
- Every hundred weight of cotton or sheep's wool, six-pence.
- Every cupboard or case of drawers, two shillings.
- Every writing or other desk, one shilling and six-pence.
- Every dozen scythes, two-pence.
- Every corn fan, one-penny.
- Every piece of oznaburghs or duck, two-pence.
- Every piece of blankets, duffels, coatings or frize, four-pence.
- Every piece of broad-cloth, serge, shrouds, flannel, half-thicks or drugget, two-pence.
- Every piece of duroy, callimancoes, shalloon or linen, one-penny.
- Every dozen of mens or boys hats, one-penny.
- Every man or woman's saddle, one-penny.
- Every pair of blankets, one-penny.
- Every rug, one-penny.
- Every dozen of spades or shovels, two-pence.
- Every looking-glass, two-pence.
- Every dozen of frying pans, two-pence.
- Every empty firkin or pail, one farthing.
- Every empty two-bushel basket, one farthing, and smaller in proportion.
- Every dozen of empty bags, one half-penny.
- Every side of sole leather, one penny.
- Every side of upper leather, one half-penny.
- Every calf's skin, one farthing.
- Every beef's hide, two-pence.
- Every barrel of tar, pitch, turpentine or rosin, six-pence.
- Every hundred weight of cordage, three-pence.
- Every coach body, two shillings.
- Every chaise, chair or sulkey body, nine-pence.
- Every passenger, two-pence.

Where ferriage is fixed, the same to be paid in proportion for a greater or less quantity or weight. And wherever a certain rate of ferriage is fixed for any particular quantity or weight of goods or merchandise, a proportionable rate shall be taken for any greater or less quantity or weight of the same goods. Provided always, That no ferriage shall be paid for a sucking child, or for such small articles not before enumerated, as a woman carries in her apron, or a man or boy in his hand or under his arm.

Articles not specified, to be paid for in proportion to weight and quantity.

Any person refusing to pay the ferriage established, to forfeit treble the sum.

II. *And be it further enacted by the authority aforesaid,* That for the ferriage and transportation of all other goods, merchandise, commodities and things whatsoever, not enumerated and specified in this act, from the city of New-York to the island of Nassau, or from the island of Nassau to the city of New-York, shall be paid according to the rates above specified, in proportion to the weight or quantity transported, and not otherwise; and if any person or persons shall refuse to pay to the ferryman for the time being, the rates and prices of ferriage, limited and established by this act, the person or persons so refusing, shall forfeit and pay to such ferryman, treble the rate to which he, she or they were liable by this act; to be recovered, with costs of suit, in any court having cognizance thereof; and if any disputes shall arise concerning the rates or prices of ferriage, for any goods or commodities not particularly enumerated or expressed in this act, and the matter be brought before any justice of the peace by the contending parties, such justice shall hear and determine the same, so as to him shall appear to be conformable to the true intent and meaning of this act, and shall award costs against the party in default.

Any ferryman demanding more than lawful ferriage, to forfeit 20s. for each offence.

III. *And be it further enacted by the authority aforesaid,* That if any ferryman for the time being, his servant or servants, shall ask, demand, exact, impose or take any greater or other rates for ferriage and transportation from the said city of New-York to the island of Nassau, or from the said island of Nassau to the said city of New-York, than are herein before limited and established, the person or persons so offending, in the premises, shall, for every offence, forfeit and pay the sum of twenty shillings.

IV. *And be it further enacted by the authority aforesaid,* That every ferryman for the time being, shall paste upon a board, and hang up in the porch of each respective ferry-house, or at the most public place therein, a table fairly written or printed, of the rates or prices of ferriage, as established by this act; and in case any ferryman for the time being, shall neglect or refuse to hang up such table of rates and prices of ferriage in manner aforesaid, he shall, for every day he shall so neglect or refuse to do the same, forfeit the sum of twenty shillings.

V. *And be it further enacted by the authority aforesaid,* That the ferryman for the time being, shall always have one or more boats ready on each side of the river, at least one half hour before sun-rise, and so shall continue through the whole day, until eight o'clock in the evening, for the purpose of transporting passengers, and their effects; and any ferryman who shall neglect to have his boat or boats ready on each side of the river, to carry over any passenger or passengers, or their effects, at such time and times (wind and weather permitting) every such ferryman so neglecting, shall forfeit and pay, for every such neglect, the sum of ten shillings, to the person or persons so detained, to be recovered in any court having cognizance thereof.

Inhabitants of Brooklyn may transport their own goods in their own boats.

VI. *And be it further enacted by the authority aforesaid,* That it shall be, and it hereby is made lawful for any of the inhabitants of the township of Brooklyn, to transport their own goods in their own boats, from the island of Nassau to the city of New-York, and from the city of New-York to the island of Nassau, without paying any ferriage for the same; any law, usage or custom to the contrary notwithstanding.



VII. *And be it further enacted by the authority aforesaid,* That all and every the penalties and forfeitures imposed in and by this act, shall and may be recovered, with costs of suit, in any court within this state having cognizance thereof, by any person or persons who will sue and prosecute for the same to effect; and the one moiety of the said penalties and forfeitures shall, when recovered, be paid to the overseers of the poor of the place where the same shall be recovered, for the use of the poor thereof, and the other moiety to the person or persons who shall sue for the same as aforesaid.

VIII. *And be it further enacted by the authority aforesaid,* That the first, second and seventh sections of the act, entitled, An act to regulate the ferry between the city of New-York and the island of Nassau, and to establish the carriage thereof, passed the 14th October, 1732, be, and the same, from the first day of May next, hereby are repealed.

#### C H A P. XL.

*An ACT for granting certain Lands in the Town of Chemung.*

Passed 28th February, 1789.

**W**HEREAS the senate and assembly, by a concurrent resolution in the month of March, one thousand seven hundred and eighty-eight, did resolve in the words following; that is to say: "Whereas a number of persons, some of them in consequence of concurrent resolutions of the senate and assembly, passed in the month of March, one thousand seven hundred and eighty-three, in favour of the inhabitants therein mentioned, and others of them in consequence of other claims and pretensions, have actually settled or made improvements on lands between the Owego and Susquehannah rivers, and the partition line between this state and the commonwealth of Massachusetts, of the lands reciprocally ceded to each other, and dissensions have arisen among the said settlers, which may prove very injurious to themselves, and may tend to disturb the public peace: Resolved, therefore, That the lands within the following limits and boundaries, be erected into a town, viz. Beginning at the intersection of the partition line, between this state and the commonwealth of Massachusetts, and the Pennsylvania line, and running from the said point of intersection, due north along the said partition line, to the distance of two miles north of the Tioga river; thence with a straight line to the Owego river, to intersect the said river at the distance of four miles, on a straight line from the confluence thereof, with the Susquehannah; thence down the Owego and Susquehannah, to the Pennsylvania line; and thence along the Pennsylvania line to the place of beginning. That the said town be called the town of Chemung. That James Clinton, John Hathorn and John Cantine, Esquires, or any two of them, be authorized as commissioners to repair to the said town, and to enquire into the claims, pretensions and circumstances of persons who have actually settled there, or who have made improvements with intent to settle, or who may be desirous to purchase lands there from the state, with intent either to settle or procure others to settle there; and that they the said commissioners, be also authorized in their discretion, and in such manner as they shall deem most eligible, for putting the several persons having claims or pretensions to lands within the said town, at peace among themselves; for promoting

" the further settlement of the said town ; and for the preservation of order and good government, to assign and allot lands (except lands located on military rights) to the several persons who have actually settled on, or who have made improvements with intent to settle on, any lands within the said town, and in any quantities, to the said several persons respectively, not less than one hundred acres, nor exceeding one thousand acres to each person ; and also to enter into any stipulations with any persons desirous to purchase from the state, lands (except lands so located as aforesaid) within the said town, with intent to settle, or to procure others to settle on the lands so to be purchased ; provided, that it shall be a stipulation, that the lands shall be settled within three months after the state shall have obtained the Indian right. That the several persons to whom lands shall be so assigned and allotted, shall be entitled to grants for the same, if they shall apply for their grants at any time within three years, and pay into the treasury of the state, in public securities, signed by the treasurer, at the rate of one shilling and six-pence per acre, for the land to be granted to them respectively. That it be recommended to the inhabitants of the said town, to hold a town-meeting, at such time and place as the commissioners shall appoint, and there, by plurality of voices, to elect the usual town-officers. That when the legislature shall, from the report of the commissioners, be informed as to the most eligible mode, they will pass the requisite laws for carrying the intent of this resolution into effect."

And whereas the commissioners appointed by the said resolution, have, in pursuance of the trust reposed in them, assigned and allotted to divers of the inhabitants of the said town, and other citizens of this and other states, certain lots in the said town, as appears by the report of their proceedings, and a field-book and map accompanying the same ; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the commissioners of the land-office, and they are hereby authorized and required to grant and convey to such respective persons, or to their legal representatives, and to their heirs respectively, conformably to the said concurrent resolutions, the lots within the said town, which are so severally assigned and allotted to them by the said commissioners, as set forth and expressed in the said field-book, and designated on the said map ; which field-book and map, the said commissioners are hereby required to file in the office of the surveyor-general, who shall, on the application of any person or persons so become entitled to lands in the said town, certify to the said commissioners the bounds of the lands to which such person or persons shall severally or jointly appear to be entitled.

II. *Provided always, and be it further enacted by the authority aforesaid,* That the time limited in and by the said resolution, for the actual settlement of the lands so to be granted, shall be, and hereby is extended to the space of one year next after the state shall have obtained the Indian right to the said lands. And provided further, That it shall and may be lawful to and for the said commissioners of the land-office, to direct that so many of the lots to be granted by virtue of this act, shall be included in one patent, as the persons entitled thereto shall request ; and that the commissioners and secretary shall be entitled to the like fees for every such patent, as are allowed them by the act, entitled, *§ An act for the sale and disposition of lands belonging to the people of this state.*

Time limited for the settlement of said lands.  
14th sess. ch. 42.  
sec. 12.

§ 12th sess. ch. 32.

III. *And be it further enacted by the authority aforesaid, That the Surveyor-general shall make a copy of the said map and field-book, and file the originals in the secretary's office, retaining the copies so as aforesaid made in the office of the said surveyor-general.*

C H A P. XLII.

*An ACT to naturalize the Persons therein named, and to prevent the Avoidance of Titles in certain Cases, by Reason of Alienism.*

Passed 28th February, 1789.

**W**HEREAS Francois Adrian Vander Kemp, Reinira Engelbarta Johanna Vander Kemp, his wife, and Jan Jacob Vander Kemp, and Cunira Engelbarta Vander Kemp, his two children; Erneste Guillaume, Baron de Rottenbourg, Louise Henriette de Rottenbourg Nee Williamos, his wife, Philip Auguste Hennequin de Rottenbourg; Elizabeth De Wint, the wife of John De Wint, junior, William Johnston, Adam Calderwood, George Ferguson, Duncan Ferguson, Peter Collin, Samuel Weston, George Lewis, Philip Dubey, Imbert Louis Dubey, Johannis Teitfel, George Gilfert, Carlile Pollock, Thomas Maule, Richard Bullock, William Thomas, John Fross, William Rhodes, Thomas Brown, Christopher Lange, Maurice Collins, Patrick Collins, Bernard Kelly, William Buckle, John Johnston, William Johnston, John Gamble, James Parker, Thomas Frazer, John Connelly, John Egnew, Thomas Armstrong, Andrew Bathford, James Pearson, Spencer Philpot, Andrew Brown, Robert Smith, Charles Wilkes, Thomas Ellison, William Hanfon, Samuel Campbell, Samuel Hill, Peter Mac Vean, George Walker, John Baptist Oliver, John Speyer, Philip Mark, Charles Borman, James Cockcroft, Thomas Allen, John M'Millan, Hugh Cameron, Joseph Searight, James Cooper, Archibald M'Lean, Terence O'Donnel, Michael Bogley, John Andrew, William M'Lymont, Walter M'Intosh, George Brown, William Cumming, Kenneth Chessam, Findly M'Donald, Alexander M'Donald, John Chessam, Archibald Frazer, Alexander M'Donald, Joseph Newlands, James Easson, Charles M'Glashan, Alexander M'Glashan, Thomas Armstrong, John Dewaier, John Morison, Charles Orangebay, James Eadie, John M'Gellevray, Tobias Hoffman, George Speth, William Cammeyer, Johan Christopher Ehninger, Dennis Sinnott, Bartholomew Barnewall, John Baptiste Deloffre, Marian Le Brun, Auguste Berthoud, Jean Boand, James Malide, Conrad Bernhard Glean, Robert White, Albrecht Behrens, Joseph Maud, Samuel Kerr, John Smith, Gilchrist Dickenfon, John Beeker, Duncan M'Vean, Isaac Ximenes, Robert Stewart, James Willson, Peter M'Vean, John M'Naughtan, Duncan M'Martin, James Cleary, Peter Fisher, Peter M'Kinlay, James Christie, John Taylor, James Morison, Robert Robertson, Peter Robertson, Daniel M'Intyre, Duncan M'Farland, John M'Intyre, John M'Beth, Joseph Newton, Peter Forbes, Daniel Stewart, Thomas Stewart, John Jacob After, Alexander Wamsley, Hippolite Penet, Nicholas Meade, John Ritson, Daniel M'Kennon, John Jacob Bush, Angus M'Naughtan, junior, Daniel M'Naughtan, John M'Naughtan, junior, Duncan M'Naughtan, Alexander Robertson, Moses Malloch, Patrick M'Lean, Donald M'Kercher, Finlay M'Callum, James Campbell, Neal M'Gregor, John Frazer, Duncan M'Laren, Duncan M'Vean, James M'Vean, John M'Vean, Duncan M'Vean, junior, Lawrence Cralmer, John Barbour, Samuel Wallcott, Hendrick Van Wagener, James M'Vean, James Carmichael, Duncan M'Vean, James M'Vean,

James Mason, Richard Mason, George Mason, William McKee, junior, James McKee, Robert Barker, William Barber, John Porteous, John Sanger, Andrew Grosend, Andreas Koch, George Betzholtz, Lawrence Gleichman, Michael Willman, Frederick Gleichman, Hendrick Z. Bonfe, Jacob Weis-  
yerber, Christian Hartwick, William Omesagher, Rodolphus Kent, John Campbell, Abijah Gilbert, Robert Burrell, William Stockman, Peter De-  
schent, Tobias Hoffman, have, by their several petitions to the legislature,  
prayed to be naturalized; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the*

*Said persons declared to be naturalized; and, after having taken the oath of allegiance and abjuration, to be considered as citizens.*

*above named persons shall be, and they are hereby respectively naturalized; and shall from and after having taken and subscribed, in any court of record within this state, the oath of allegiance to this state, and abjured and renounced all allegiance and subjection to all and every foreign king, prince, potentate and state, in all matters ecclesiastical as well as civil, be deemed citizens of this state, to all intents, constructions and purposes whatsoever; and that the court in which any of the persons herein before mentioned shall be admitted to take such oath, shall cause an entry thereof to be made in the minutes of the said court; and shall give a certificate to such persons respectively, purporting that such person hath been admitted to such oath, in the said court, in pursuance of this act; and such persons upon taking such oath, shall respectively pay to the judges of such court, six shillings, and to the clerk thereof, three shillings.*

*Lands heretofore purchased by said persons, not to escheat to the state by reason of their alienism.*

II. *And be it further enacted by the authority aforesaid, That no lands, tenements or hereditaments in this state, heretofore purchased by any of the persons herein before named, shall escheat to the people of this state, by reason or on account of such person's then being an alien; but all such lands, tenements and hereditaments shall vest in such purchaser, in the same manner as if such purchaser had been naturalized at the time of such purchase; any law to the contrary notwithstanding. Provided always, That the said Jan Jacob Vander Kemp, and Cunira Engelbarta Vander Kemp, shall respectively take the oath of allegiance and abjuration within one year after they shall respectively attain the age of twenty-one years, or be precluded from the benefits intended to be secured to them by this act: And provided also, That such other of the persons above named, and hereby naturalized, as shall not take the oath of allegiance and abjuration aforesaid, in manner herein before directed, within twelve calendar months next after the passing of this act, shall have no manner of benefit by this act; any thing herein contained to the contrary notwithstanding.*

III. *And be it further enacted by the authority aforesaid, That no title or claim, of any inhabitant of this state, who is now a citizen of this state, under any patent or purchase of lands, tenements and real estate, granted to, or made by an alien, at any time inhabiting in this state, since the twenty-seventh day of January, in the year one thousand seven hundred and seventy, shall be defeated merely upon the pretence of alienism in the grantee or purchaser, or any person holding as by descent or otherwise, since such grant or purchase; but that such title shall be adjudged to be good, the plea or pretence of alienism, in such case notwithstanding.*

*Title of any citizen of this state, to real estate, under an alien at any time inhabiting in this state since 27th January, 1770, not to be defeated, by pretence of alienism.*

*18th title, so lands accruing to any citizen of this state between 3d September, 1783, and the passing of this act under the seal of the late colony, prior to 14th October, 1775, to be defeated on pretence of alienism in the grants.*

IV. *And be it further enabled by the authority aforesaid,* That no title or claim accruing between the third day of September, 1783, and the time of passing this act, to any citizen or citizens of this state, in any lands, tenements or hereditaments, granted under the great seal of the late colony, now state of New-York, prior to the 14th day of October, 1775, shall be defeated or prejudiced, upon the pretence of alienism in the grantor or grantors thereof, or any other person or persons through whom his, her or their estate therein may have been derived; but that such title shall in like manner be adjudged to be good and valid, the plea or pretence of alienism notwithstanding.

V. *And be it further enabled by the authority aforesaid,* That it shall be lawful for the heirs or devisees of Richard Montgomerie, Esquire, late a major-general in the armies of the United States, to sell, dispose of, grant and convey, to any citizen or citizens of this state, and his, her or their heirs and assigns, the lands, tenements and hereditaments whereof he was seized, or to which he was entitled at the time of his death, notwithstanding the plea or pretence of alienism in such heirs or devisees.

#### C H A P. XLIV.

*See 13th sess. ch. 59.* *An ACT to appropriate the Lands set apart to the Use of the Troops of the Line of this State, lately serving in the Army of the United States, and for other Purposes therein mentioned.*

Passed 28th February, 1789.

*† 6th sess. ch. 11.* **W**HEREAS by the first section of the act entitled, *† An act to prevent the grants or locations of the lands therein mentioned, passed the twenty-fifth day of July, one thousand seven hundred and eighty-two, a certain tract of land in the said act described, was set apart for the purpose of making grants to the officers therein mentioned, and to the troops of this state, serving in the army of the United States, and their legal representatives. And whereas by the fourth section of an act, entitled, † An act to extend the powers of the commissioners of the land-office to the cases therein mentioned, and for other purposes, passed 20th March, 1788, it is declared, That if the Indian right to such lands shall be extinguished, as in the said last mentioned act is specified, such lands shall be appropriated to the use of such troops. And whereas the commissioners appointed to hold treaties with the Indians, have purchased of the Onondaga and Cayuga Indians, certain lands, being part of the lands so set apart for the use of the said troops, whereby their right to the same is extinguished: Therefore,*

*L. Be it enabled by the people of the state of New-York, represented in Senate and assembly, and it is hereby enacted by the authority of the same,* That the

*Commissioners of the land-office to direct the surveyor-general to lay out as many towns as will satisfy the claims of persons entitled to bounty lands.*

commissioners of the land-office shall be, and they are hereby authorized to direct the surveyor-general to lay out as many townships in the said tract of land so set apart as aforesaid, as will contain land sufficient to satisfy the claims of all such persons who are or shall be entitled to grants of lands by the said concurrent resolutions, and by the eleventh clause of the act, entitled, *† An act for granting certain lands*

*† 7th sess. ch. 63.*

promised to be given as bounty lands, by laws of this state, and for other purposes therein mentioned, passed the eleventh day of May, one thousand

Each township to contain 36,000 acres; and how to be laid out, numbered, and named.

seven hundred and eighty-four; which townships shall respectively contain sixty thousand acres of land, and be laid out as nearly in squares as local circumstances will permit, and be numbered from number one progressively, to the last inclusive; and the commissioners of the land-office shall likewise designate every township by such name as they shall deem proper; the first of which townships to begin on the western side of the Onondaga-River, at the falls thereof; and all of them to be laid out contiguous to each other, within the limits and bounds of the tract of land set apart for the use of the troops of this state as aforesaid, so that no part of the said townships shall extend further east than a line to be drawn north and south from the southwest corner of the lands reserved by the Oneida Indians for their own use, from and out of the cession and grant made by them to the people of this state, at the last treaty held with them by the commissioners appointed by a law of this state for that purpose. Provided always, That no part of the said townships shall interfere with, or be laid out on any part of the lands reserved by the Onondaga and Cayuga Indians, for their own use or the use of any particular person or persons in the cession or grant made by them to the people of this state, by the treaties lately held between the Onondaga and Cayuga Indians, and the commissioners appointed for that purpose.

*II. And be it further enacted by the authority aforesaid.*

Surveyor-general to make a map of each township, and divide the same into one hundred lots, and file a copy in the secretary's office, keeping the original in his own office.

That the surveyor-general, as soon as may be, shall make a map of each of the said townships, and each township shall be subdivided on such map into one hundred lots, as nearly square as may be, each lot to contain six hundred acres, or as nearly that quantity as may be; and the lots in every township shall be numbered from one to the last inclusive, in numerical order; and one copy of such map shall be filed in the secretary's office of this state, and the original shall be preserved in the said surveyor-general's office: And the surveyor-general shall immediately after having filed such map as aforesaid, in the secretary's office, give notice thereof to the commissioners of the land-office; which said commissioners shall thereupon cause a notice to be published six weeks successively, in one or more of the news-papers printed in each of the cities of New-York and Albany (whereof the news-paper published by the printer to this state, if any such there be, shall be one) requiring all persons entitled to grants of bounty and gratuity lands as aforesaid, who have not by themselves or their legal representatives, already exhibited their claims, to exhibit the same to the said commissioners on or before the first day of January, one thousand seven hundred and ninety-one.

*III. And be it further enacted by the authority aforesaid,*

After 1st January, 1791, the commissioners to proceed in determining said claims, and to ballot for each person's share.

Altered,  
13th sess. ch. 59.

That the said commissioners after the day fixed by the said advertisement, shall proceed to examine and determine the claims of all and each of the persons, or their legal representatives, entitled to grants as aforesaid, in such mode and manner as to them shall appear equitable and just, so that the bounty and gratuity intended to be given by the state, be not extended to persons who may not be entitled thereto; and after such determination as aforesaid, the said commissioners shall cause the names of each of the officers, non-commissioned officers and privates so by them ad-

judged to be entitled to the bounty and gratuity as aforesaid, to be written on separate ballots or tickets, and as many more names of the commissioned officers entitled to such bounty on separate ballots or tickets, as there shall be six hundred acres in the share to which such officers respectively are entitled by virtue of the law and resolutions aforesaid; reserving the surplus that may happen to be due to such officers, and which cannot be satisfied exactly by the division of the said townships, into lots of six hundred acres, to be provided for in the manner herein after to be directed. Provided, That no commissioned officer shall be entitled to any addition of land as a bounty or gratuity on the part of this state, on account of any promotion conferred on him by the acts of congress of the thirtieth of September, and the first of November, one thousand seven hundred and eighty-three.

IV. *And be it further enacted by the authority aforesaid,*  
Commissioners to take an account of all persons entitled to bounty lands from congress, and to procure an assignment of such lands for the use of the state.  
 That it shall be the duty of the commissioners of the land-office, and they are hereby directed and required to take an account of all persons to whom lands shall be granted by virtue of this act, and who were entitled thereto by any act, or resolution of congress, and of the quantity granted to each person so entitled, and to require from each of the

said persons, an assignment of his, her or their proportion and claim of bounty and gratuity lands under any act or acts of congress, to be made to and in the name of the surveyor-general, for the use of the people of this state; which account and assignments shall be deposited in the office of the surveyor-general of this state, in order that this state may receive a just compensation for the lands which shall be granted by virtue of this act, conformably to any requisition of congress: And it shall be, and it is hereby declared to be the duty of the surveyor-general for the time being, to locate and procure grants in the manner prescribed by congress, for such land so to be assigned to the people of this state. Provided always, That if it shall be in the power of the said commissioners to sell and dispose of the whole or any part of such rights so to be derived under assignments as aforesaid, it shall, in that case be lawful for them, and they are hereby authorized to direct the surveyor-general to sell the same, for any public securities issued by the treasurer or auditor of this state, at such price as the said commissioners shall think fit and reasonable.

V. *And be it further enacted by the authority aforesaid,*  
Commissioners directed how to proceed in balloting for the lots.  
 That the said commissioners shall cause the ballots or tickets aforesaid, to be rolled up and put into a box, and then shall cause one hundred ballots or tickets to be made and numbered, from number one to one hundred; which said ballots or tickets shall also be rolled up and put in a separate box, for township number one; and so as many ballots or tickets numbered, rolled and put up as aforesaid, for township number two and so on for each other township, which shall be laid out to satisfy the claims of persons entitled to grants of bounty and gratuity lands as aforesaid; and after having completed the same, the said commissioners shall proceed to the balloting of the said lands, which shall be performed in the following manner; that is to say, They shall appoint one or more person or persons, who shall first draw a ticket from the box in which the names are put, and then a ticket of the number of township number one, until the number of ninety-four names, and as many lots have been drawn; and after drawing for the lots in the said township number one, in manner aforesaid, they shall proceed in the same manner to draw the lots in the other townships, until the whole drawing is completed; and the lots in each

township drawn next after the tickets marked with the name of the person entitled to such lands, shall be the separate and distinct share of the person whose name was marked on the ticket drawn as aforesaid immediately before; or of his legal representative, and of all persons holding under him or her; of which balloting, and all the proceeding relating to the same, the said commissioners shall make a full and fair entry and minute in a book, one copy thereof certified under their hands, or the hands of a majority of them, shall be filed in the secretary's office, and the other copy certified in like manner, in the clerk's office of the county of Montgomery.

VI. *And be it further enacted by the authority aforesaid,* That the six lots remaining in each township not balloted for as aforesaid, shall be by the commissioners aforesaid, assigned in the manner following; that is to say, One thereof for the promoting the gospel, and a public school or schools, one other for promoting literature in this state, to be applied in such manner as the legislature may direct, and the remaining four lots to satisfy the surplus shares of commissioned officers not corresponding with the division of six hundred acres as aforesaid, and to compensate such persons as may by chance draw any lot or lots, the greater part of which may be covered with water.

VII. *And be it further enacted by the authority aforesaid,* That the said commissioners, after completing the balloting as aforesaid, shall direct the surveyor general, by himself or his deputies, to survey the out-lines of the said townships, at the expence of the state, as soon as conveniently may be, and to make a map of each of the said townships agreeable to such survey, and on the same to sub-divide the lots in manner as before mentioned; one copy of which to be filed in the secretary's office, and one other copy in the office of the clerk of Montgomery county.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said commissioners to direct letters patent to be prepared and granted to each of the persons by them adjudged to be entitled to grants of lands as aforesaid, and that the commissioners and secretary shall respectively be entitled to the following fees, for their services performed, or to be performed by them respectively, by virtue of this act; and to be paid by the person or persons in whose favor any letters patent shall issue; that is to say, To the governor, for his attendance on signing and affixing the great seal to such letters patent, the sum of eight shillings, and to the other of the said commissioners jointly, exclusive of the secretary, the like fee of eight shillings, to be divided as to a majority of them shall seem proper; to the secretary, for preparing the letters patent, recording and keeping the minutes of the said commissioners, the like fees as allowed herein before to the governor; and it is hereby made the duty of the said commissioners, to direct letters patent to be granted to any person who shall apply for the same, or his legal representatives, including the whole of the lands to which such person, or his representatives, may be entitled as aforesaid in one patent; provided the same does not exceed one quarter of the quantity of a township.

IX. *And be it further enacted by the authority aforesaid,* That on the lands to be granted by this act, there shall be an actual settlement made, for every six hundred acres which may be granted to any person or persons, within seven years from the first day of January next, after the date of the patent by which such lands shall be granted; and on failure of such settlement, the unsettled lands shall revert to the people of this state.

<sup>1</sup> Six remaining lots in each township, how to be disposed of.

<sup>2</sup> After the balloting is performed, survey, or general to survey the lands, and make a map thereof.

<sup>3</sup> An actual settlement to be made on every six hundred acres, within seven years from 1st January, next after the grant.



**X.** *And be it further enabled by the authority aforesaid,* That all letters patent to be granted by virtue of this act, shall be in such words and forms as the said commissioners shall direct; and shall contain an exception and reservation to the people of this state, of all gold and silver mines; and shall convey the lands therein mentioned, to the grantee and his heirs.

Persons holding claims rights may locate on any of the lands purchased from the Indians, which they might have located upon the 1st May, 1786.

**XI.** *And be it further enabled by the authority aforesaid,* That it shall and may be lawful to and for any person or persons holding and being entitled to any certificates issued in pursuance of the act, entitled, † *An act for raising two regiments for the defence of this state,* and the act entitled, † *An act for raising troops to complete the line of this state,* and the two regiments to be raised on bounties of unappropriated lands, and for the further defence of the frontiers of this state, to locate the lands to which they respectively became entitled, in any part of the lands purchased or to be purchased by the people of this state, from the Onondaga, Cayuga or Seneca nations of Indians; which they might have located upon, on the first day of May, in the year of our Lord one thousand seven hundred and eighty-six; and that it shall and may be lawful to and for the commissioners of the land-office to grant letters patent for the same, in the manner prescribed by former laws respecting lands located in consequence of such certificates. Provided always, That no such locations shall be made on any of the lands assigned to the troops of the line of this state, or in any part of the township of Che-mung. And provided always, Such locations be made within one year after the passing of this act.

Except the lands assigned to the army, and the township of Che-mung.

And such locations to be made within a year.

**XII.** And whereas it has been suggested to the legislature, that Johannis Lieb, and others his associates, were, previous to the revolution, entitled to a grant for a tract of land in the county of Montgomery, and that the said lands were granted by the people of this state as a compensation for military services to other persons; therefore, *Be it further enabled by the authority aforesaid,* That it shall and may be lawful to and for

Commissioners of the land-office to examine into the claims of Johannis Lieb, and his associates.

the commissioners of the land office, to examine into the claims of the said Johannis Lieb and his associates; and if, upon such examination, it shall appear that the said claim is equitable, and ought to be allowed, and that the said lands have been granted by the people of this state, as a compensation for military services, it shall and may be lawful to and for the said commissioners, to direct the surveyor-general to survey and lay out, at the expence of the said Johannis Lieb and his associates, a tract, equal in quantity to the lands so granted, of any of the ungranted lands of this state, not included in the late Indian purchases, or particularly reserved to the people of this state, by any former law, and to grant the same in like manner, and on the same conditions as other lands granted on equitable claims, were granted before the expiration of the time limited by former laws for that purpose.

**XIII.** *And be it further enabled by the authority aforesaid,* That whenever any person shall have located, by virtue of the laws of this state, on lands belonging to this state, which were occupied and improved on or before the 25th July, 1782, the surveyor-general shall, at the expence of the person or persons having located such lands, cause the same to be surveyed.

When locations are made on lands already occupied, how the surveyor-general is to proceed.

† There is not any act with either of these titles; but see 4th sess. chap. 32, and 5th sess. chap. 22.

and also cause notice to be given in writing, to the occupant or occupants, and if the occupant or occupants do not apply for the same, within four weeks after such notice hath been given, the surveyor-general shall then make a return of the survey of such lands, to the commissioners of the land-office, and the person or persons having located the same, shall be entitled to letters patent therefor; and whenever any person shall have made a claim to unappropriated lands by virtue of improvements made, and occupancy had, prior to the said 25th July, 1782, the commissioners of the land-office shall direct the surveyor-general to survey such lands at the expence of the claimant, and give public notice of such claim in one of the public newspapers printed in each of the cities of New-York and Albany, for three weeks successively, of such location; and if no caveat be entered in the respective offices of the secretary and the surveyor-general, satisfactory proof of such improvement and occupancy being made to the said commissioners, the claimant shall be entitled to letters patent for such lands in manner by law directed; provided the quantity of each claim do not exceed two hundred acres; but if caveats be entered in the respective offices of the secretary and surveyor-general within the time before mentioned, the commissioners of the land-office shall proceed to hear and determine such claims in the man-

ner directed by the act, entitled, § An act to extend the powers of the commissioners of the land-office to the cases therein mentioned, and for other purposes, passed the 20th of March, 1788; provided that all such locations or claims as aforesaid, be made on or before the first day of January, one thousand seven hundred and ninety-one.

XIV. *And be it further enabled by the authority aforesaid,* That the commissioners of the land-office are hereby directed to grant to lieutenant Elijah Bill, a refugee from Nova-Scotia, the proportion of land he would have been entitled to by any former law of this state, had he applied within the time limited by the said law, out of the lands set apart for the Canadian and Nova-Scotia refugees.

XV. *And be it further enabled by the authority aforesaid,* That the time limited for suing out letters patent, by the first paragraph of the fifth section of the act, entitled, An act to extend the powers of the commissioners of the land-office to the cases therein mentioned, and for other purposes, passed the 20th of March, 1788, is hereby extended to the first day of March, one thousand seven hundred and ninety, so far as it respects the Canadian and Nova-Scotia refugees.

XVI. *And be it further enabled by the authority aforesaid,* That it shall and may be lawful for the commissioners of the land-office to grant letters patent to Luis Cook, alias Hadaquitchrongwen, for such tract of land, lying on the Niconsiaga river, beginning at the first falls on the said river, and extending up the same on both sides thereof, as they shall find to be his distinct property; provided the same has not been otherwise appropriated.

#### C H A P. XLVI.

*AN ACT to liquidate and settle Claims for building the Court-House and Gaol in the County of Montgomery, and to provide a Gaol for the County of Clinton.*

Passed 3d March, 1788.

[This act, except the following clause, is obsolete.]

IV. **A**ND whereas the inhabitants of the county of Clinton are disposed to build a block-house at Plattsborough, in the said county, to be used as a gaol, until a gaol can be erected for the said county: Therefore,

*Be it further enacted by the authority aforesaid,* That the said block-house, when completed, shall be deemed to be the gaol of the said county, until another sufficient gaol shall be erected in and for the same, and that until other sufficient provision can be made in the premises, it shall also be lawful to and for the sheriff of the said county of Clinton, at his discretion, to commit any of his prisoners to the gaol of the county of Albany, there to be detained, until they shall be thence legally discharged.

## C H A P. XLVII.

*An ACT to confirm the Partition of the Lands therein mentioned, to Samuel Brown, and others.*

Passed 3d March, 1789.

**W**HEREAS this state, by their commissioners for that purpose authorized and appointed, on the sixteenth day of December, one thousand seven hundred and eighty-six, did cede, grant, release and confirm to the commonwealth of Massachusetts, and to the use of the commonwealth, their grantees, and the heirs and assigns of such grantees forever, the right of pre-emption of the soil from the native Indians; and all other the estate, right, title and property (the right and title of government, sovereignty and jurisdiction excepted) which the state of New-York had, of, in or to two hundred and thirty thousand and four hundred acres, to be located by the commonwealth of Massachusetts, and to be situated to the northward of, and adjoining to the lands granted respectively to Daniel Cox and Robert Lettice Hooper, and their respective associates, and between the rivers Owega and Chenango. And whereas Samuel Brown, Elijah Brown, Owing Stoddard, Joseph Raymond, Asa Bement, Asa Bement, junior, Elkanah Bishop, Moses Ashley, Elisha Blin, Ezekiel Crocker, Ira Seymore, Elizabeth Lusk, Silas Peepoon, Henry Williams Dwight, Benjamin Pierion, Jeremiah H. Pierion, Joseph Pierion, William Brown, Ashbel Strong, Simon Larnard, Nathan Pierion, Amos Patterson, David Pixley, Jacob Parsons, Anna Bingham, Philip Cook, Ashbel Cone, William Walker, Caleb Walker, Isaac Jenks, Ebenezer Mason, Josiah G. Pierion, Warham Parks, Ebenezer Williams, John Brown, Nathaniel Bishop, Isaac Curtis, Allen Newhall, Azariah Eagleston, Thaddeus Thompson, Stephen Brown, Stephen Nash, Jonathan Ingersoll, Samuel Brown, jun. Bulah Brown, Dudley Coleman, Elnathan Curtis, John Chapman, Jonathan Edwards, Elihu Parsons, Eliphalet Parsons, Elisha Bradley, Ashbel Bradley, Josiah Bradley, Jonathan Woodbridge, Erastus Serjeant, Oliver Partridge, jun. Ebenezer Cook, Abner Rockwell and John Morell, have represented to this legislature, that by a grant of the said commonwealth, passed the legislature thereof on the seventh day of November, in the year of our Lord one thousand seven hundred and eighty-seven, they have become the legal owners of the said tract of land in fee simple. And whereas it is further represented, that the said grantees above named, and their legal representatives, have divided into lots, part of the said tract of land, to wit—Two townships, each nearly equal to six miles square, the one lying in the south-east corner of the said tract of land bounded eastward on the said river Chenango, and southward on the north line of the said land granted to Daniel Cox and Robert Lettice Hooper, and their associates; the other bounded southward on the said line, and eastward on the said described township; and have caused the said lots to be drawn to the rights and shares of the said grantees and their legal representatives respectively, and have produced plans of the said

townships, with the names of the grantees or their legal representatives, inscribed on the lots thereof, and have procured the same to be fairly and truly transcribed, and filed in the office of the secretary of the state ;— and the said grantees and their legal representatives, having manifested to the legislature, their desire that they respectively might be by law authorized to hold the said lots in severalty, as the same are drawn : Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the said several lots of land, mentioned and expressed on the said plans, shall be holden in severalty by the respective grantees, or their legal representatives aforesaid, whose names are respectively inscribed and expressed on the said lots, delineated on the said plans, their heirs or assigns in severalty.*

## C H A P. XLVIII.

*An ACT for erecting a Town by the Name of Middletown, and to alter the Bounds of the Township of Rochester and Woodstock, in the County of Ulster ; and for erecting a Town by the Name of Easion ; to alter the Bounds of the Towns of Schenectady, Half-Moon, and Bull's-Town, in the County of Albany, and for other Purposes therein mentioned.*

Passed 3d March, 1789.

**W**HEREAS it is found that the towns of Rochester and Woodstock, are too extensive and inconvenient for the inhabitants now residing in the western parts of the said towns, and that the erection of another town is become necessary : Therefore,

*1. Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all*

Parts of Rochester and Woodstock erected into another town, by the name of Middletown.

*those parts of the said towns of Rochester and Woodstock, beginning on the division line between the counties of Ulster and Montgomery, in the middle of the Delaware river, opposite a monument between the lots number forty and forty-one of the original division of the Great or Hardenberg patent, and running from thence northeasterly to the eastern shore of the said river ; thence along a line of marked trees between the said lots number forty and forty-one, to the Papachton river ; thence across the said river to the north bounds of great lot number eight, of the said Great or Hardenberg's patent ; thence northeasterly along the north bounds of the said lot number eight, to the west bounds of a lot in the said great lot number eight, belonging to Johanna Livingston ; thence along the westerly bounds thereof, southwesterly to the south bounds of the said great lot number eight ; thence the same course continued to the north bounds of the town of Mamakating ; thence northwesterly along the bounds of the said town, to the middle of Delaware river aforesaid ; and thence up the middle of the said river to the place of beginning, be, and hereby is erected into a town by the name of Middletown.*

*II. And be it further enacted by the authority aforesaid, That all that certain tract of land formerly comprehended within the bounds of the Great or Hardenberg's patent,*

*lately released by Margaret Livingston, widow and relict of Robert R. Livingston, Esquire, deceased, to the inhabitants of Hurley, shall be, and the same is hereby annexed to the town of Hurley ; any thing contained in the*

Part of Hardenberg's patent annexed to the town of Hurley.

*act, entitled, ‡ An act for dividing the counties of this state into towns, to the contrary hereof in any wise notwithstanding.*

‡ 11th sess. ch. 64.

*Parts of the towns of Stillwater and Saraghtoga, to be erected into another town, by the name of Easton.*

*See 14th Feb. ch. 4.*

III. *And be it further enacted by the authority aforesaid,* That all those parts of the towns of Stillwater and Saraghtoga, in the county of Albany, lying to the eastward of Hudson's river, shall, from and after the first day of April next, be, and the same are hereby declared to be erected into a town by the name of Easton; and that the first election of town officers for the town of Easton, shall be held at the house of Jacob Benfon.

*Line of division between the towns of Schenectady, Half-Moon, and Ballstown, as aforesaid described.*

IV. *And be it further enacted by the authority aforesaid,* That the line of division between the towns of Schenectady, Half-Moon and Ballstown, shall, from and after the first day of April next, be a line beginning at the south-west corner of Saraghtoga district, and running thence west to the Long-Lake; thence along the said lake to the south end thereof; thence south, fifty-three degrees west, one hundred and eighty chains; thence north to the northeastermost corner of the fourth allotment of the tract of land commonly called the Kayaderoseras patent; thence along the south and south-westermost bounds of the said allotment, to the east bounds of the county of Montgomery; and that all that part of the towns of Schenectady and Half-Moon, lying to the northward and eastward of the said line, shall be annexed to and remain as part of the town of Ballstown.

V. *And be it further enacted by the authority aforesaid,* That the said towns hereby erected, shall have the same officers, to be elected on the days of the general election for town-officers, and shall enjoy the like privileges, as the other towns in this state are entitled to. That the first election in the town of Middletown, shall be held at the house of Benjamin Ackerly; the first election in the town of Saraghtoga, shall be held at the house of Archibald McNeal; and the first election in the town of Stillwater, shall be held at the house of John Corbin.

VI. And whereas the freeholders and inhabitants of the town of Marble-Town, in the county of Ulster, by virtue and in pursuance of a certain charter to them granted, have annually elected trustees for the said town on the second Tuesday of June, in every year. And whereas the freeholders and inhabitants of the town of Rochester, in the county of Ulster, by virtue and in pursuance of a certain charter to them granted, have annually elected trustees for the said town, on the first Tuesday of June in every year. And whereas the said days of election respectively, have been found inconvenient: Therefore, *Be it further enacted by the authority aforesaid,* That the trustees of the said towns respectively, shall respectively be elected on the day of the general elections for town officers, of the said towns respectively; any thing in the said charters contained to the contrary in any wise notwithstanding.

*(The 7th Sec. of this act is repealed and provided for by an act of the 13th Feb. ch. 49. Sec. 7.)*

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the freeholders of the said town of Schenectady for the time being, yearly and every year, at the annual election for town officers in the said town, by a plurality of votes, to elect four freeholders, who shall be, and they are hereby authorized to sue and prosecute for the said penalties respectively, in their own names, before any justice of the peace of the county of Albany, with costs; and when recovered, they shall pay one half of the sums so recovered, to the overseers of the poor of the said town, for the use of the poor thereof, and pay the remaining half to the persons respectively, who shall inform of such offences respectively.

IX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall and may be lawful to and for the freeholders and inhabitants of the town of Brookhaven, in the county of Suffolk, to elect trustees on such day as they are directed by law to hold their annual town meetings; and that all the proceedings of the trustees of the said town of Brookhaven, who have been chosen on the day the said town held their annual town meetings; and that all the proceedings of the trustees of the said town of Brookhaven, who have been chosen on the day the said town held their annual town meetings, agreeable to any of the laws of this state, shall be as good and effectual in the law, as if the same had been made on the day prescribed by the letters patent, granted to the said freeholders and inhabitants of the said town of Brookhaven.

## C H A P. XLIX.

*An ACT to give Relief respecting Debts due to Persons formerly within the Enemies Lines.*

Passed the 3d March, 1785.

WHEREAS by the act, entitled, An act relative to debts due to persons within the enemies lines, passed the 12th July, 1782, it is provided; that no person or persons shall be allowed the benefit of that act, unless he, she or they shall first have taken the oath of abjuration, and the oath of allegiance to this state, and shall obtain a certificate signed by twelve reputable and well affected freeholders of this state, one whereof shall be a judge of the inferior court of common pleas of the county in which the person named in such certificate, shall reside, certifying that he or she is well attached to the freedom and independence of the United States of America, and has taken an active and decided part therein; but by mistake in printing the said act, or otherwise, the word two has been substituted in the said proviso instead of the word twelve, whereby several citizens of this state are becoming subject to the payment of debts which were supposed to have been extinguished: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That in every case in which certificates shall have been accepted by the creditors described in either of the said acts, such receipts shall be deemed an extinguishment of the debts due to them respectively, to the amount of the nominal sum in certificates received by them as aforesaid.

II. *And be it further enacted by the authority aforesaid,* That in all cases where proceedings upon the said act, or the act entitled, An act to explain and amend the act, entitled, An act relative to debts due to persons within the enemies lines, passed the 24th of November 1784, shall have been prosecuted to judgment of preclusion, and in which such certificates as aforesaid have not been received, the debtor or debtors shall be discharged from any interest which became due on any contract, bill, obligation or mortgage, by which such debt or debts was or were secured, between the first day of January, 1776, and the first day of May, 1786, and shall pay the residue of the money due on such contract, bill, obligation or mortgage, in manner following; that is to say, One third part thereof, on or before the first day of May, 1790, one other third part thereof, on or before the first day of May, 1791, and the remaining third part thereof, on or before the first day of May, 1792, subject to the provisos and conditions contained in the act, entitled, An

act to amend an act, entitled, An act relative to debts due to persons within the enemies lines; and another act, entitled, An act to explain and amend the act, entitled, An act relative to debts due to persons within the enemies lines. And provided also, That the security mentioned in the provisoes in the act last aforesaid, shall be given within eight months after the passing of this act; but if such security shall not be given within the time last aforesaid, then the creditor or creditors shall and may prosecute and recover his, her or their debts, in like manner, and in the proportions herein before mentioned, as is prescribed in and by the said act; the interest during the period aforesaid, being nevertheless considered as extinguished.

C H A P. LL

*An ACT to enable the Corporation of St. Peter's Church, in the City of Albany, to assume the Name therein mentioned.*

Passed 3d March, 1789.

**W**HEREAS by charter under the great seal of the then colony, now state of New-York, bearing date the twenty-fifth day of April, in the year of our Lord one thousand seven hundred and sixty-nine, the congregation of St Peter's church, in the city of Albany, were erected into a corporation, by the name and style of, The rector and inhabitants of the city of Albany, in the county of Albany, in communion of the church of England, as by law established. And whereas the protestant episcopal church in this state, has now become independent of the established church of England. And whereas the said corporation, by their humble petition to the legislature of this state, have prayed, that they might be enabled to assume and use the name of, The rector and inhabitants of the city of Albany, in communion of the protestant episcopal church in the state of New-York: Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and-assembly, and it is hereby enacted by the authority of the same, That the said corporation shall and may, from and immediately after the passing of this act, take and use the name of The rector and inhabitants of the city of Albany, in communion with the protestant episcopal church in the state of New-York; and by the same name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended; any law, usage or custom to the contrary thereof notwithstanding.*

## LAWS OF THE STATE OF NEW-YORK.

Passed in the Thirteenth Session of the Legislature, held  
at the City of New-York, by Adjournment.

### C H A P. I.

*An ACT declaring it to be the Duty of the Sheriffs of the several Counties within this State, to receive and safe keep such Prisoners as shall be committed under the Authority of the United States.*

Passed 28th January, 1796.

**B**E is enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and is hereby declared to be the duty of the sheriffs of the several counties within this state, to receive into the several gaols within their respective bailiwicks, and safely keep, all prisoners who shall be committed to the said gaols, by virtue of any process to be issued under the authority of the United States, until they shall be discharged by the due course of the laws thereof; the United States supporting such of the said prisoners as shall be committed for offences against the said United States. And in case any prisoner or prisoners shall escape out of the custody of any sheriff to whom he or they shall or may be committed as aforesaid, such sheriff shall be liable to the like actions and penalties as he would have been, had such prisoner or prisoners been committed or charged in custody, by virtue of any process issuing under the authority of this state; and such sheriff or sheriffs respectively, into whose custody any such prisoner or prisoners shall be as aforesaid committed, is hereby authorized to take and receive to his own use, such sum or sums of money as shall be payable by the United States, for the use of the said gaols.

### C H A P. III.

*An ACT for vesting in the United States of America, the Light-House and Lands thereunto belonging, at Sandy-Hook.*

Passed 3d February, 1796.

**W**HEREAS John Cruger, Philip Livingston, Leonard Lifpenard and William Bayard, in consequence of certain acts of the legislature of the late colony, now state of New-York, and as trustees for the government, did, on or about the tenth day of May, in the year of our Lord one thousand seven hundred and sixty-two, purchase a certain piece of ground containing four acres, situate, lying and being on the point of Sandy-Hook, in the county of Monmouth, in the then province, now state of New-Jersey, and did afterwards erect thereon a light-house and other buildings for public uses: And whereas the said Philip Livingston is dead, and the estate of the said William Bayard, both in the state of New-York and New-Jersey, is forfeited, and the title at law of and in the said land and premises is thereby become vested in the said John Cruger and Leonard Lifpenard, as trustees as aforesaid: And whereas the United States in congress assembled, have pro-



vided for the erecting and supporting light-houses; and in order, therefore, to comply with the said acts, and further the intention of the United States,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all the estate, right and title of the people of the state of New-York, both in law and equity, of, in and to the said piece of land, and the light-house and buildings erected thereon, and all the lands belonging to the same, shall be, and hereby is granted to and vested in the United States of America. And that the said John Cruger and Leonard Lissenard, hereby are directed and required to grant, release and convey all their estate, right, title and interest of and in the said land, light-house and buildings thereon, to the United States of America: In confidence, That in case the said United States shall make any compensation to other states in the union for the like grants and cessions, that compensation will also be made to this state for the grant and cession hereby made,*

## CHAP. XV.

*An ACT ratifying certain Article. Addition to and Amendment of the Constitution of the United States of America, proposed by the Congress.*

Passed 27th February, 1790.

**W**HEREAS by the fifth article of the constitution of the United States of America, it is provided that the congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to the said constitution, which shall be valid to all intents and purposes, as part of the said constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress. And whereas in the session of the congress of the United States of America, begun and held at the city of New-York, on Wednesday the fourth of March one thousand seven hundred and eighty-nine, it was resolved by the senate and house of representatives of the United States of America in congress assembled, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States; all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said constitution, viz.

“ARTICLES in addition to, and amendment of the constitution of the United States of America, proposed by congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.

“Article the First. After the first enumeration required by the first article of the constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated by congress, that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand persons.

" *Article the Second.* No law varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.

" *Article the Third.* Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

" *Article the Fourth.* A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

" *Article the Fifth.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

" *Article the Sixth.* The rights of the people, to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

" *Article the Seventh.* No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

" *Article the Eighth.* In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed; which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

" *Article the Ninth.* In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

" *Article the Tenth.* Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

" *Article the Eleventh.* The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

" *Article the Twelfth.* The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

And whereas the legislature of this state have considered the said articles, and do agree to the same, except the second article; Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the said articles, except the second, shall be, and hereby are ratified by the legislature of this state.*

C H A P. XVII.

*An ACT relative to the City of Albany, and for granting Parcel of a certain House and Lot in the said City, to the Mayor, Aldermen and Commonalty thereof.* Passed 6th March, 1790.

**W**HEREAS it has been represented to the Legislature, that the people of the state of New-York are become entitled to an estate in fee simple, of and in one undivided fifth part, and of, and in an estate for the life of Isaac Low, of and in one other undivided fifth part of a certain dwelling-house, situate in the city of Albany, on the south side of state-street, called the city-tavern, and the lot of ground therewith occupied, and now or late in the possession of Robert Lewis; and that it will tend to enable the mayor, aldermen and commonalty of the city of Albany, to lay out a street, for the convenience and accommodation of the inhabitants of the said city, if the estate of the said people, in and to the said dwelling-house and lot, is vested in the said mayor, aldermen and commonalty: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That all the estate, right, title and interest, which attached to, or vested in the said people, of and in the said two undivided fifth parts of the said dwelling house and lot of ground, shall be, and the same is hereby declared to be conveyed to, and vested in the said mayor, aldermen and commonalty, in like manner and in the same estate, now vested in the people of the state of New-York, as aforesaid. Provided nevertheless, That the said mayor, aldermen and commonalty, shall annually pay, or cause to be paid unto Philip Cuyler, of the city of Albany, during the life of the said Philip, the sum of ten pounds, for a like annuity, payable to the said Philip, by Abraham Cuyler, by whose attainder, one fifth of the said house and lot became vested in the people of this state: And also, the further sum of ten pounds annually, to the said Philip, during the life of Isaac Low, for a like annuity, payable to the said Philip, by the said Isaac, as the husband of Margaret, the sister of the said Philip, whose estate stands charged with the said sum of ten pounds, and in whom the fee of one fifth of the said house and lot is vested, and the use whereof will revert to her or her heirs, on the demise of the said Isaac, whose life estate in the said one fifth, became forfeited to the people of this state, by his attainder.

*Corporation of Albany to raise by tax 800l. for paying watchmen, and other purposes.*

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said mayor, aldermen and commonalty, in common council, as soon as conveniently may be, after the passing of this act, to order the raising a sum, not exceeding eight hundred pounds, by a tax on the estates real and personal, of all and every the freeholders and inhabitants within the said city, within half a mile of Hudson's river, and on the north side of a west line drawn from Hudson's river, at the north-east corner of a tract of land commonly called the Dutch Church Pasture, to be applied to the payment of so many watchmen, as the said mayor, aldermen and commonalty have employed, or shall think necessary to employ for guarding the said city, and to such other purposes as to the said mayor, aldermen and commonalty, in common council, shall appear necessary; which said sum shall be rated and assessed by the assessors of the said city for the time being, and levied and collected in the same manner as hath heretofore been accustomed within the said city, for levying and collecting the tax for the maintenance of the poor and other contingent charges within the said city, and

that the tax shall be paid into the hands of the chamberlain of the said city for the time being, to be applied and disposed of, from time to time, in such manner and proportions for the purposes herein before mentioned, as the said mayor, aldermen and commonalty of the said city, in common council convened, shall direct and appoint.

III. *And be it further enacted by the authority aforesaid,*

Corporation empowered to make bye-laws for levelling and paving the streets, &c.

That it shall and may be lawful, to and for the mayor, aldermen and commonalty of the said city, in common council convened, by ordinances or bye-laws, for that purpose to be made and ordained from time to time, and in such manner as they shall judge to be most conducive to public convenience, to order and direct the pitching, levelling, forming and paving of such of the streets of the said city, as the said mayor, aldermen and commonalty of the said city, in common council convened, shall from time to time, in their discretion, by any such ordinance or bye-law, designate and appoint; and that for the better effecting thereof, the said mayor, aldermen and commonalty, in common council convened, shall and may cause an estimate or estimates of the expence of conforming to any such ordinance or bye-law, and a just and equitable assessment thereof, among the owners or occupants of all the houses and lots intended to be benefited thereby, in proportion, as nearly as may be, to the advantage they shall be deemed respectively to acquire thereby: And in order that the same may be impartially performed, the said mayor, aldermen and commonalty, in common council convened, shall, from time to time, appoint five sufficient and disinterested freeholders for every such purpose, who shall, before they enter upon the execution of their trust, be duly sworn, before the mayor or recorder of the said city, to make the said estimate or assessment, fairly and impartially, according to the best of their skill and judgment, and a certificate in writing, of such estimate and assessment, being returned to the said mayor, aldermen and commonalty, in common council convened, shall be binding and conclusive upon the owners and occupants of such houses and lots, so to be assessed respectively, and such owners and occupants respectively, shall thereupon become and be liable and chargeable, and they are hereby required upon demand to pay to such person or persons as shall be authorized by the said mayor, aldermen and commonalty, by their resolution or order for that purpose to be made in common council, to receive the same; and in default of payment thereof, it shall and may be lawful to and for the mayor, recorder and aldermen of the said city, or any three of them whereof the mayor or recorder always to be one, by warrant under their hands and seals, to cause the said sum or sums of money so assessed, to be levied by distress and sale of the goods and chattels of the owner or occupant of such house or lot so assessed, and refusing or neglecting to pay the same, rendering the overplus, if any there be, after deducting the sum assessed and the charges of distress and sale, to such owner or occupant, or his or her legal representatives. Provided; That it shall be

Proviso. Corporation to direct certain rates at which labour done by the owners of such houses shall be credited.

lawful to and for the said mayor, aldermen and commonalty, in common council convened, in and by any of the said ordinances or bye-laws, to direct and establish certain rates at which any labour or materials performed or furnished by any such owner or occupant, for and towards the completing of such pavement in the manner and in the proportion directed and prescribed in and by any such ordinance or bye-law, shall be credited on the said assessment.

*Nothing in the last clause contained to give any remedy between landlord and tenant, relative to such charges.*

IV. *And be it further enabled by the authority aforesaid,* That nothing in the last mentioned clause of this act contained, shall be construed to effect any contract or agreement that hath been or shall be made between any landlord and tenant respecting the payment of any such charges or repairs, but that they shall be answerable to each other in like manner as if this act had never been made; and that in case any money so from time to time to be assessed for the services aforesaid, shall be paid by any person, when by agreement or by law the same ought to have been borne by some other person, that then it shall and may be lawful to and for the person so paying the same, and he shall be, and hereby is empowered and authorized to sue for and recover the same, with interest and costs of suit, in any court having lawful cognizance thereof, as so much money paid for the use of the person for whom or for whose use the same shall have been paid.

V. *And be it further enabled by the authority aforesaid,* That if upon the completion of any regulation as aforesaid, it shall appear to the mayor, aldermen and commonalty of the said city, in common council convened, that a greater sum of money has been bona fide expended in completing such regulation, than the sum mentioned in the estimate so made as aforesaid, and actually collected, it shall and may be lawful to and for the said common council, to cause a further assessment to be made of the sum which such bona fide expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners or occupants of all the houses and lots before assessed as aforesaid, and to cause the same to be collected in the like manner as herein before directed: And that in case the sum actually expended shall be less than the sum expressed in such estimate, and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective persons from whom the same were so collected and received as aforesaid, or his or her legal representative.

VI. *And whereas a number of inhabitants of the city of Albany, have by their petition prayed the legislature to annex that part of Pearl-street, which lies to the north of Foxe's creek, and that part of the said city which lies to the north of the said creek, and to the west of the said street, to the second ward of the said city; Therefore, Be it further enabled by the authority aforesaid,* That that part of Pearl-street which lies north of Foxe's creek, and that part of the said city which lies to the north of the said creek, and to the west of the said street, shall be, and hereby is annexed to the second ward of the said city; any law to the contrary thereof notwithstanding.

# C H A P. XVIII.

An ACT appointing Commissioners with Power to declare the Consent of the Legislature of this State, that a certain Territory within the Jurisdiction thereof should be formed into a new State.

Passed 6th March, 1790.

BE it enacted by the people of the State of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

That Robert Yates, Robert R. Livingston, John Lansing, junior, Gulian Verplanck, Simeon De Witt, Egbert Benton, Richard Sill, and Melancton Smith, shall be, and hereby are appointed commissioners, with full power to them, or

Robert Yates, Robert R. Livingston, and others appointed commissioners to declare that Vermont

any four of them, in their discretion as they shall judge the peace and interest of the United States in general, and of this state in particular, to require the same, and on such terms and conditions, and in such manner and form as they shall judge necessary and proper, to declare the consent of the legislature of this state, that such district or territory, within the jurisdiction, and in the north-eastern and northern parts thereof, as the said commissioners shall judge most convenient, should be formed and erected into a new state; and with farther full power to treat, conclude and agree with any person or persons, or any assemblies or bodies of people, touching the premises, or touching the ceding or relinquishing the jurisdiction of this state over such district or territory, or touching the securing or confirming of rights, titles or possessions of lands within such district or territory, held or claimed under grants from the state of New-Hampshire while a colony, or under grants, sales or locations made by the authority of the government or jurisdiction now existing, and exercised in the north-eastern parts of this state, under the name or style of the state of Vermont, against persons claiming the same lands under grants from this state while a colony, or since the independence thereof; and every act of any four or more of the commissioners hereby appointed, in the execution of the powers aforesaid, shall be as effectual to every purpose, as if the same were an immediate act of the legislature of this state. Provided, Such grants, sales or locations by or under Vermont, do not extend to the westward of the towns granted, located or occupied under the late colony of New-Hampshire, which lay in that part of the country aforesaid, between the north boundary of the commonwealth of Massachusetts, continued from the north-west corner thereof towards Hudson's river, and a parallel line extended eastward from the point of land where Fort Edward formerly stood, until it meets with the west bounds of any of the said granted, located or occupied towns.

II. *And be it further enacted by the authority aforesaid,* That whatever stipulations shall be made by the commissioners appointed by this act, with any person or persons, or any assemblies or bodies of people, touching the premises, or touching the ceding or relinquishing the jurisdiction of this state over such district or territory, or touching the securing of rights, titles or possessions of lands within such district, for a compensation for extinguishing the claims to lands within such district, as derived under the late colony of New-York, shall be for the use of such claimants, although in such stipulations such compensation should be declared to be for the use of this state, or for the people thereof; and that nothing in this act contained shall be intended or construed to give any such claimant any right to any further compensation whatsoever from this state, other than such compensation which may be so stipulated as aforesaid.

III. *And be it further enacted by the authority aforesaid,* That the act, entitled, An act appointing commissioners with power to declare the consent of the legislature of this state of New-York, that a certain territory within the jurisdiction thereof, should be formed or erected into a new state, passed the sixteenth day of July, in the year one thousand seven hundred and eighty-nine, shall be, and hereby is repealed.

All stipulations made by said commissioners for a compensation for ceding said territory and extinguishing claims under the late colony of New-York, to be for the use of such claimants; and nothing in this act construed to give said claimants a right to any other compensation.

C H A P. XIX.

*An ACT for dividing the Town of Watervliet and the Town of Cockskakie, each into two Towns; and for altering the Limits of the Town of Brookhaven.*  
 Passed 8th March, 1790.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That from and after the first Monday in April next, all that part of the town of Cockskakie, in the county of Albany, which lies west of Coeyman's confirmation, and a south line to be drawn from the south-west corner thereof to the south bounds of the said town, shall be and become, and is hereby erected into a distinct and separate town, by the name of Freehold; and that the first town-meeting of the inhabitants of the said town, shall be held at the dwelling-house now occupied by Stephen Platt, in the said town.

A part of the town of Cockskakie erected into a town by the name of Freehold.

A part of the town of Watervliet erected into a town by the name of Rensselaerville.

II. *And be it further enacted by the authority aforesaid,* That from and after the said first Monday in April next, all that part of the town of Watervliet, in the said county of Albany, which lies west of a place where the west bounds of Coeyman's patent of confirmation intersects the south bounds of the said town of Watervliet, thence northerly along the west bounds of the said patent of confirmation to the north-west corner thereof, thence continuing northerly and north-westerly along the tier of lots laid out by William Cockburn and Jacob Winne, to the north bounds of the aforesaid town of Watervliet, shall be and become, and is hereby erected into a distinct and separate town, by the name of Rensselaerville; and that the first town meeting of the inhabitants of the said town shall be held at the dwelling-house of Johannis Fisher, at the beaver dam in the said town.

III. *And be it further enacted by the authority aforesaid,* That each of the said towns hereby erected shall enjoy all the rights, privileges and immunities which are granted to other towns within this state, by an act of the legislature, passed the 7th of March 1788, entitled, *† An act for dividing the counties of this state into towns.*

Said two towns to enjoy the same privileges as other towns in this state.

† 11th sess. ch. 64.

IV. And whereas it has been represented to the legislature, that by the act, entitled, *An act for dividing the counties of this state into towns*, passed the seventh day of March 1788, part of the town of Brookhaven, in the county of Suffolk, held in common, was by mistake annexed to the town of Islip; Therefore, *Be it further enacted by the authority aforesaid,* That all the beach and bay within the present limits of the town of Islip, which is included in the patent of Brookhaven, shall be, and is hereby declared to be a part of the town of Brookhaven; any thing in the before mentioned act to the contrary notwithstanding.

Part of the town of Brookhaven by mistake annexed to the town of Islip, declared to be part of the former town.

C H A P. XXII.

*An ACT for the better laying out, regulating and keeping in Repair common and public Highways and private Roads in the County of Richmond, and for explaining and repealing Parts of certain Laws therein mentioned.*  
 Passed 9th March, 1790.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

Freeholders and inhabitants of the county of Richmond, shall be, and are hereby authorized, at their annual town-meetings for electing town-officers, to chuse and elect three freeholders in each town, to be commissioners for laying out and regulating highways; and also as many freeholders in each town as the majority of the freeholders and inhabitants then assembled shall think necessary, to be surveyor and overseers for the mending, repairing and keeping in order the several highways in the respective towns for which they shall be elected and chosen in manner as aforesaid, and the person or persons so chosen and elected, as well the commissioners who are to regulate and lay out highways, as those elected to be overseers and surveyors thereof, are hereby required to take the respective offices upon them; and in case of the death or removal of any of the commissioners or overseers aforesaid, it shall and may be lawful for two justices of the peace, living in the town, and in case there should be but one, then the next justice to the said town, in conjunction with the justice in the town, to appoint some fit person to execute the office of commissioner or overseer, as the case may require, until a new election shall be made at the next annual town-meeting: And every such commissioner or overseer so appointed as aforesaid, shall have the same powers, and be liable to the same penalties, as if chosen at such town-meeting.

That from and after the passing of this act, the freeholders and inhabitants of the county of Richmond, shall be, and are hereby authorized, at their annual town-meetings for electing town-officers, to chuse and elect three freeholders in each town, to be commissioners for laying out and regulating highways; and also as many freeholders in each town as the majority of the freeholders and inhabitants then assembled shall think necessary, to be surveyor and overseers for the mending, repairing and keeping in order the several highways in the respective towns for which they shall be elected and chosen in manner as aforesaid, and the person or persons so chosen and elected, as well the commissioners who are to regulate and lay out highways, as those elected to be overseers and surveyors thereof, are hereby required to take the respective offices upon them; and in case of the death or removal of any of the commissioners or overseers aforesaid, it shall and may be lawful for two justices of the peace, living in the town, and in case there should be but one, then the next justice to the said town, in conjunction with the justice in the town, to appoint some fit person to execute the office of commissioner or overseer, as the case may require, until a new election shall be made at the next annual town-meeting: And every such commissioner or overseer so appointed as aforesaid, shall have the same powers, and be liable to the same penalties, as if chosen at such town-meeting.

Commissioners to lay out new roads, or alter old ones, and how.

II. *And be it further enacted by the authority aforesaid,* That when any new road is to be laid out in any town, or any road already laid out requires to be altered, the commissioners for such town, or the major part of them, with one or more of the commissioners from each of the other towns, are hereby empowered and authorized to lay out all such public roads or highways, as they or the major part of them shall think necessary, and also to take a view of the roads already laid out, and if any of them shall appear inconvenient, and in their opinion an alteration absolutely necessary, may alter the same, and lay out such other public highways, as they or a major part of them shall think convenient: and if they find, upon view, any of the above roads are lessened or blocked up, they the said commissioners, or the major part of them, shall have power and are hereby authorized to open the same to such widths as they shall think proper, not exceeding three rods, nor less than two; and if any of the roads lessened or blocked up as aforesaid, shall run between two persons lands, and a dispute shall arise which of them hath encroached upon the road, the said commissioners shall hear all the allegations and proofs on both sides of the question, and after mature deliberation, give their judgment thereon, as they or the major part of them shall think equitable and just, being first sworn in the words following, viz. "You shall well and truly try this matter in dispute, between A B and C D, respecting the road running between them, and give a true judgment thereon according to evidence. So help you God." And shall open and lay out the said highway agreeable to their decision thereon; and when any roads so opened as aforesaid, shall take away lands from any person or persons, which were actually measured to him or them as part of their land purchased, and which was before such sale laid out as a public road, the possessor of such lands shall have his remedy against the person or persons they respectively purchased from. Provided always, That nothing in this act shall extend, or be construed to empower the commissioners aforesaid,

Commissioners not to lay out roads



through any person's land, without his consent, or paying him the value thereof, or laying out any road through any persons lands or meadows without the consent of the owner or owners thereof, or paying to him or them the true value of the lands so to be laid out into a highway or road, with such damage as he shall sustain thereby : And in case of public highways or roads, if any dispute shall arise respecting the value of the land, or the necessity of laying out such road, in that case the said commissioners shall deliver all their proceedings, signed by themselves, or the majority of them, to the supervisors, at their next meeting thereafter, who, after examining the same and hearing the objections, shall have it in their power to approve or reject the same, as it shall appear to them, or the major part of them, to be reasonable or necessary, and shall likewise have power to agree with the owner or owners for the value of the land and damages, and if it shall happen that the supervisors shall be equally divided in their opinion, so that no majority appears, then and in that case they shall call to their assistance the treasurer of the said county, who, agreeing with either side, shall determine, and if the same be approved and confirmed, the said supervisors shall cause the same, with all their proceedings thereon, to be entered in the county records, and the clerk is hereby directed and required to enter the same, and the supervisors shall then endeavour to agree with the owner or owners of the lands, respecting the value thereof and the amount of damages, and if they cannot agree, the same shall then be determined, and the true value set and appraised by the oath of twelve freeholders, not having any interest in the land so laid out into an highway or road, the said freeholders to be summoned by the sheriff of the said county, by virtue of a warrant, to be issued by any one justice of the peace of the said county, who shall attend at the time and place mentioned in the said warrant, and swear the jury, and sit with them upon hearing the parties, and swear the witnesses, but shall not give his vote with the said jury, in assessing the said value and damages ; but if no controversy shall arise about the necessity of laying out such public highways, then the said commissioners shall report the same to the supervisors at their next meeting, and the said supervisors shall then endeavor to agree with the owner or owners of the land over which such highway shall be laid out, for the value of the land and damages, and if they cannot agree, the same shall be determined by a jury in the manner aforesaid ; and in all cases of public highways so laid out or altered as aforesaid, the value of the lands and damages whether agreed on as aforesaid, or assessed by a jury, together with the charges of the commissioners, and calling and charges of a jury, if there be a jury, and of the whole proceedings thereon had, shall be levied and paid in like manner as the other contingent charges of the county, and the highways so laid out, shall be a common public highway : But if the road laid out be for the private use and benefit of any particular person or persons, then the said commissioners shall hear and determine all disputes concerning the necessity of such private road, and the value of the land, damages and charges aforesaid, shall be paid by the person or persons who desire the same to be laid out, and the road to be for the only proper use of such person or persons and their heirs and assigns, who shall pay for the same : And in case the person or persons applying for such private road, cannot agree with the owner or owners of the land, over which such private road shall go, respecting the

The value of the land, &c. in all cases of public highways, to be paid as other contingent charges of the county.

If the road laid out be for private use, the value of the land, &c. shall be paid by the persons desiring the road, and be for their own use.

in which case the said commissioners are to return their said proceedings to the supervisors, as is herein before directed; and whatsoever the said commissioners shall do according to the powers given them by this act, being entered in the county record, shall be good and valid to all intents and purposes whatsoever.

X. *And be it further enacted by the authority aforesaid,* That each commissioner shall have, take and receive a sum not exceeding six shillings, for every day he shall be employed in laying out and regulating or opening highways as aforesaid, for his care and trouble in doing the business required by this act; and the said commissioners shall transmit their accounts to the supervisors of the said county, at any of their stated meetings, of the number of days they have respectively spent in doing the business required by this act, and the supervisors shall raise the same with the county tax, which shall be paid by the county treasurer to the commissioners and overseers; upon a warrant from the supervisors as in other cases, except where the commissioners are paid by private persons as before directed.

XI. *And be it further enacted by the authority aforesaid,* That upon the order of any one justice of the peace, the surveyors or overseers of the several towns, shall, within eight days thereafter, warn and set to work, the respective inhabitants and persons liable to mend and repair the highways and roads, which by law they are obliged to repair; and if any of the surveyors or overseers shall neglect or refuse to warn and set to work the inhabitants as aforesaid; and see the said highways and roads amended and repaired, such surveyor or overseer, shall, for every such neglect or refusal, forfeit and pay the sum of forty shillings, to be adjudged by, and recovered before any one justice of the peace of the said county, where such neglect or refusal shall happen, which fines shall be applied towards repairing the said highways in such town wherein such fine shall arise.

XII. And whereas doubts have arisen whether the fourth and fifth sections of the act, entitled, An act to amend an act, entitled, An act for the better laying out, regulating and keeping in repair, all common and public highways and private roads, in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany and Montgomery, and to extend the same to the county of Suffolk, passed the 16th of March, 1785, extends to any other than the county of Dutchess: Therefore, *Be it enacted by the authority aforesaid,* That the fourth and fifth sections of the said act, shall be, and the same are hereby extended to the counties of Ulster, Orange, Washington, Westchester, Albany, Montgomery and Columbia; and that the acts and proceedings heretofore had and done by the respective commissioners of highways, in pursuance of the said sections, in any of the counties aforesaid, shall be, and they are hereby confirmed.

XIII. *And be it further enacted by the authority aforesaid,* That the act, entitled, An act to extend an act, entitled, "An act for the better laying out, regulating and keeping in repair all common and public highways and private roads in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany and Montgomery, to the county of Richmond, passed the 1st of April, 1785, shall be, and is hereby repealed, so far as it relates to the said county of Richmond.

C H A P. XXIII.

*An ACT for the better regulating and protecting the Aqueducts in the City of Hudson.*

Passed 9th March, 1790.

**W**HEREAS the proprietors of the aqueducts in the city of Hudson, have, by their petition, represented their association for the purpose of supplying themselves and others with water, and that they have conducted the same from a fountain at a considerable distance, and at a very great expence, the benefits whereof are likely to be lost for want of adequate provisions made by law for the regulating and managing said aqueducts, and for obliging each proprietor thereof to bear and defray his proportionable part of the expences attending such aqueducts, and in amending, superintending and managing the same; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That the mayor, aldermen and commonalty of the city of Hudson,

Mayor, aldermen and commonalty of Hudson, empowered on the application of the proprietors of such aqueducts, to make bye-laws for regulating such aqueducts, & assessing all expences arising thereon. for the time being, in common council convened, shall and may (whenever applied thereunto for the purpose by the said proprietors of the said aqueducts, or by a majority of them) have power to make, ordain and declare all such bye-laws, ordinances, constitutions, rules and regulations relative to such aqueducts, as the said common council may deem proper for the superintendence, regulation and man-

agement of the same, and for the extension, alteration, preservation and reparation thereof, or for the equal assessment and collection amongst the said proprietors, of all costs and expences attending the same, or of the sums of money which the said proprietors may, from time to time, hereafter vote, agreeably to this act.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the proprietors of the said aqueducts, hereafter, from time to time, to convene at such time and place within the said city, as the said mayor or recorder for the time being shall appoint, due notice of such time and place of meeting being first given, by causing the same to be publicly advertised, for the space of three weeks successively, in a public news-paper, to be printed in the said city, or by putting up such public notice thereof in at least four of the most public parts of the said city; and at such meeting the said proprietors may, under the inspection of the said mayor or recorder, by a majority of voices, vote any sum or sums of money which they shall think fit to be assessed and levied on the said proprietors, in proportion to their respective rights or shares, to defray the expences of the necessary alterations, additions and reparations of such aqueducts, or the fountains thereof, or for the compensations to the clerk and treasurer, collector and inspectors hereafter mentioned, and also by a majority of voices or votes, to elect one discreet person for their clerk and treasurer, one discreet person for their collector, and two or more discreet persons for inspectors of said aqueducts.

III. *And be it further enacted by the authority aforesaid,* That the said clerk and treasurer, collector and inspectors, when chosen in manner aforesaid, shall respectively, before they enter upon their respective offices, take and subscribe before the said mayor or recorder, who are hereby authorized to administer the same, an oath well and faithfully to execute their respective trusts and offices, according to the best of their skill and understanding; which said clerk and treasurer, collector and inspectors, so elected and qualified,

shall continue in their respective offices until others be duly chosen and qualified in their respective places.

IV. *And be it further enacted by the authority aforesaid,* That the said inspectors so to be chosen and qualified as aforesaid, ~~and~~ a majority of them, shall have power, and are hereby authorized and directed, from time to time, to examine, inspect, superintend, manage and direct the said aqueducts, agreeably to such bye-laws, rules and ordinances as the said common council shall, from time to time, hereafter make and declare, touching the same, or the management thereof; and shall also have power to prosecute in their own names, for all trespasses to be done or committed by any person or persons, upon or against the said aqueducts, and to recover the amount of all damages occasioned by such trespasses, in any court having cognizance of the same, to the use of the said proprietors; and shall meet and duly assess upon the proprietors aforesaid all such sum or sums of money, costs and expenses so as aforesaid to be voted by the said proprietors; and shall further do and perform all such duties as shall or may be lawfully committed to them by any law, rule or ordinance of the said common council.

V. *And be it further enacted by the authority aforesaid,* That the said clerk and treasurer so to be chosen and qualified as aforesaid, shall, as clerk of the said proprietors, keep the minutes of all the votes, resolutions and transactions of the said proprietors, at their meeting so to be held as prescribed by this act, in a proper book by him to be kept for such purpose; and also, that the said clerk and treasurer, as treasurer of the proprietors aforesaid, shall keep a book in which he shall fairly enter all receipts, advances and expenditures of all sums of money by him received, advanced or paid out, and likewise do and perform all other duties lawfully committed to him by any law, rule or ordinance to be made in pursuance of this act, by the said common council.

VI. *And be it further enacted by the authority aforesaid,* That the collector so to be chosen and qualified as aforesaid for the said proprietors, shall collect all such taxes and sums of money so as aforesaid to be voted by the said proprietors, in pursuance of this act, agreeably to such tax list or assessment roll as shall be made out by the inspectors as aforesaid, within three months after the same shall be delivered to him, and shall pay the monies so by him collected into the hands of the said treasurer; and in case the proprietors aforesaid, or any of them, shall refuse or neglect paying his, her or their proportion of such taxes within the time limited for such payment, then it shall be lawful for such collector to levy the same, by exposing and selling at public vendue, after giving eight weeks previous public notice thereof, the right or shares of such delinquent of, in or to the said aqueducts, rendering the overplus monies, if any, after deducting the costs and charges of such sale, to the owner or owners thereof.

VII. And to the end that the whole number of proprietors of the said aqueducts may always hereafter be known, and the number and proportion of their several rights or shares therein ascertainable with the greater ease and precision, *Be it enacted by the authority aforesaid,* That the said clerk and treasurer shall keep a proper book, in which he shall duly enter the names of all the proprietors of the said aqueducts, together with their several and respective rights or shares of, in or to the same, according to such bye-law or rule as the said common council shall or may hereafter prescribe and direct for such purpose; and shall also duly enter in the same book every transfer, lease or assignment made, or hereafter to be made, of any right or share of, in or to the same aqueducts, according to such bye-law or rule as the said

common council shall or may hereafter prescribe and direct for such purpose; which entry so to be made by the said clerk, shall be deemed evidence of such transfer, lease or assignment, and no person shall be considered as a proprietor of the said aqueducts, after the space of six months from the passing of this act, until the evidence of his right or share shall be so registered as aforesaid, nor entitled to draw or use the waters from the said aqueducts, by virtue of any title or claim not so registered as herein directed, without permission in writing, under the hands of the said inspectors or a majority of them, conformable to the rules or directions to be prescribed by the said common council.

VIII. *And be it further enacted by the authority aforesaid,* That all lawful agreements, votes and proceedings, made, had or done, by the said proprietors, and entered upon their records, concerning the said aqueducts, shall be considered valid and obligatory among themselves, and binding upon all, each and every of them; and that all monies heretofore voted and expended about the said aqueducts, shall, after being duly assessed by the inspectors, to be chosen in pursuance of this act, be recoverable in the same manner as before in this act is provided.

IX. *And be it further enacted by the authority aforesaid,* That the said common council of the said city of Hudson, as often as they shall make, ordain and publish such laws, rules, ordinances and directions for the purposes aforesaid, in regard to the said aqueducts, or for the regulation, alteration, extension, reparation, inspection and management thereof, may make, ordain, limit and provide such, and the like pains, forfeitures, fines and penalties, upon, towards and against all and every person or persons, who shall offend against such laws, rules, ordinances and directions, or any of them, as by the said common council shall be thought requisite, to make, ordain, limit and provide, for the observation and preservation of the same laws, rules, ordinances and directions, to be prosecuted for by the said inspectors, and in their names, and recovered in any court of record having cognizance thereof, by action of debt or otherwise, to the use of the said proprietors, to be by them appropriated for the support and maintenance of the said aqueducts; provided no such pain, forfeiture, fine or penalty, shall exceed the sum of five pounds. And provided always, That such bye-laws, ordinances, constitutions, rules or directions, be not contrary to, or inconsistent with the constitution, laws and statutes of this state, or of the United States.

C H A P. XXV.

*An ACT for securing and improving certain Lands in the City of New-York, for public Uses, and for other Purposes therein mentioned.*

Passed 16th March, 1790.

**W**HEREAS Fort George, in the city of New-York, and the battery adjacent thereto, are at present useless for the purpose of defence; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That all that part of Fort George, in the city of New-York, and the lands adjoining thereunto, belonging to the people of this state; beginning at a stake standing on the easterly side of the Broadway continued, at a place which is eighty-six feet distant, on a

Part of Fort George reserved for public buildings.

course south, thirty-seven degrees and forty-five minutes east, from the south-east corner of the dwelling-house of captain Archibald Kennedy, and running thence easterly, to the north-east corner of the old secretary's office, on Whitehall-street, thence southerly, along the west side of Whitehall-street, to the ground of captain Thomas Randall; then westerly along the north side of his ground, and along the rear of the lot which front on Pearl-street, as far as they extend; then north, fifty-seven degrees and forty-five minutes west, until a course north, thirty-two degrees and fifteen minutes east, will strike the place of beginning, and then north, thirty-two degrees and fifteen minutes east, to the place of beginning; shall be, and hereby are declared to be forever reserved for the purpose of erecting public buildings, and such works of defence as the legislature shall from time to time direct; and further, that the same shall not at any time or times hereafter, be sold or appropriated to, or for any private use or purpose whatsoever.

II. *And be it further enacted by the authority aforesaid,* That all the lands belonging to the people of this state, within the bounds following, to wit: Beginning at the north-east corner of the old secretary's office, and running thence southerly along Whitehall-street to the East river, at Whitehall-ship, then southerly, westerly and northerly, along the East river, the bay and Hudson's river, to the north side of the street which runs on the south side of Archibald Kennedy's house, continued to Hudson's river; thence along the same to the south-east corner of the said Kennedy's house; thence south, thirty-seven degrees and forty-five minutes, east, eighty-six feet, thence easterly to the place of beginning (excepting thereout, that part reserved to the people of this state, as described in the preceding section of this act) as well as all the lands within the bounds and limits aforesaid, which the said corporation of the city of New-York claim title to, shall be, and the same are hereby vested in the mayor, aldermen and commonalty of the city of New-York, to remain for the purpose of erecting public buildings, and works of defence thereon; but without any power to dispose thereof, for any other use or purpose whatsoever, and without any power of selling any part thereof.

Corporation to cause said Fort George to be demolished, and the ground to be leveled, &c.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, to cause the said Fort George to be demolished, and the ground whereon the said fort stands, to be leveled; and also to cause a bulk head to be erected, from the end of the bulk head lately erected by them, continuing the same to the south-west bastion of the battery aforesaid; and to sell and dispose of the buildings and materials of the said fort, and to apply the monies arising therefrom, to wards erecting the bulk head aforesaid.

G. Bancker & others to cause a government house to be erected on the lands herein first reserved, to be applied to the temporary use of the President of the U. S. and the treasurer to pay to their order &c. for the said purpose.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for Gerard Bancker, Richard Varick and John Watts, or the major part of them, to cause a proper house and other necessary buildings, to be erected on some part of the lands, in the first enacting clause in this act mentioned, for the use of the government of this state; and to be applied to the temporary use and accommodation of the president of the United States of America, during such time as the congress of the United States shall hold their sessions in the city of New-York; and the treasurer of this state, is hereby authorized and required to pay to the order of the said,

Gerard Bancker, Richard Varick and John Watts, or the major part of them, such sum as may be necessary for the purposes aforesaid; not exceeding in the whole, the sum of eight thousand pounds, out of any monies in the treasury not otherwise appropriated, to be by them applied to the purposes aforesaid: And it is hereby declared, that the said sum of eight thousand pounds, is the whole sum intended to be appropriated to the purposes aforesaid.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the land-office, to agree or contract with such person or persons as they shall judge proper, for exploring, laying out and opening a road, to begin on any part of the public road that leads from Kingston to Peen Peck, and to extend westward so far and in such direction as the said commissioners shall judge most conducive to the interest of the state.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said commissioners from time to time, to draw from the treasury, by warrant from his excellency the governor, for the purpose of defraying the expences of exploring, laying out and opening the said road, such sums of money as they shall judge necessary, not exceeding in the whole the sum of fifteen hundred pounds,

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the land-office, to agree or contract with such person or persons as they shall judge proper for exploring, laying out and opening a road from the south end of lake Otsego, to the Mohawk river, and in such direction as the said commissioners shall judge most conducive to the interest of this state: And that it shall and may be lawful for the said commissioners, from time to time, to draw from the treasury, by warrant from his excellency the governor, for the purpose aforesaid, such sums of money as they shall judge necessary, not exceeding in the whole the sum of four hundred pounds.

## C H A P. XXVI.

*An ACT to incorporate the Stockholders of the New-York Manufacturing Society.*

Passed 16th March, 1790.

**W**HEREAS James Nicholson, and others, associated as a company under the style of the New-York manufacturing society, for the laudable purposes of establishing manufactories, and furnishing employment for the honest industrious poor, by their petition presented to this legislature, have prayed to be incorporated, to enable them more extensively to carry into effect their patriotic intentions; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That all such persons, who now are and hereafter shall be stockholders of the said society, shall be and hereby are ordained, constituted and declared to be one body corporate and politic, in fact and in name, by the name of "The New-York manufacturing society," and that by that name, they and their successors, for twenty-five years hereafter, shall and may have succession; and shall be persons in law capable of suing and being sued, pleading and of being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their suc-

cessors, may have a common seal, and may change and alter the same at their pleasure ; and also that they and their successors, by the name of the New-York manufacturing society, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation. Provided, That the whole of the stock and real estate of the said corporation, shall never exceed <sup>stock not to exceed 60,000l.</sup> sixty thousand pounds, current money of New-York.

II. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by twelve directors, who shall be stockholders ; and shall together with a treasurer be annually chosen and elected, on the third Wednesday in March, in every year, at such time of the day, and at such place in the city of New-York as the directors for the time being, shall ten days at least prior to the day of election appoint, by notice thereof in two of the public news-papers of this state, that all elections for the treasurer and directors, shall be by ballot, and such person who shall at any election have the greatest number of votes given at such election, as treasurer, shall be the treasurer, and in like manner such twelve persons who shall have the greatest number of votes at such election, shall be the directors, and shall hold their offices for one year. That if any vacancies shall happen among the directors, by death, resignation or removal, such vacancies shall be filled for the remainder of the year in which they may happen in the same manner as the annual elections are made, at such times and places as the remainder of the directors, for the time being, shall appoint. That the first directors shall be James Nicholson, James Renwick, Henry Tenbrook, William W. Gilbert, John Lawrence, John Murray, junior, White Matlack, Jacob Hallet, William Maxwell, James Waton, Nicholas Cruger and Matthew Clarkson ; and the first treasurer, Alexander Robertson, who shall hold their offices until the third Wednesday in March next, and until others shall be chosen in their places.

III. *And be it further enacted by the authority aforesaid,* That each share of the stock of the said corporation shall be ten pounds, current lawful money of this state ; and that each stockholder be entitled to a number of votes, proportioned to the number of shares which he or she shall have or hold in his or her name, according to the following ratios, that is to say, every owner of one or more shares, to the number of four, shall have one vote ; of five shares and less than ten, three votes ; of ten shares, and less than twenty, five votes ; of twenty shares, eight votes ; and one vote for every ten shares above twenty.

IV. *And be it further enacted by the authority aforesaid,* That the directors for the time being, shall regularly meet on the fourth Wednesday of March, June, September and December, in every year, and at such other times as they may judge expedient ; and the said directors, for the time being, or a major part of them, shall have the disposition of the funds of the said corporation ; and shall annually on the third Wednesday in March, lay before the stockholders of the said corporation, a general statement of their accounts and proceedings ; which same statement of accounts and proceedings, it shall be the duty of the directors to lodge with the treasurer, at least ten days previous to such annual meetings, for the inspection and examination of the stockholders. And the directors for the time being, or the major part of them, shall have power to make and prescribe such bye-laws, rules and regulations, as to them shall appear needful and proper, touching the ma-



nagement and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of their secretary, clerks, agents and servants, employed therein ; and touching all such matters as appertain to the said corporation, with powers to appoint such and so many officers, clerks and servants, for carrying on the said business, and with such allowances and salaries, as shall to them seem meet. Provided, That such bye-laws, rules and regulations, be not repugnant to the constitutions and laws of the United States, or of this state.

V. *And be it further enacted by the authority aforesaid,* That this act be, and is hereby declared to be a public act ; and shall be construed benignly and favorably for every beneficial purpose herein intended.

VI. *And be it further enacted by the authority aforesaid,* That the stockholders entitled to vote agreeable to this act, may give their respective votes, either by themselves, or their agents thereunto specially appointed.

VII. *And be it further enacted by the authority aforesaid,* That the treasurer of this state be, and he is hereby authorized and required, in his own name to subscribe, and out of any unappropriated monies in the treasury to pay for one hundred shares in the stock of the said corporation, and to hold and manage the same for the use of the people of this state.

C H A P. XXVII.

*An ACT to prolong the Terms of the Courts of Common Pleas and General Sessions of the Peace, in and for the County of Columbia, and for altering the Terms of the Courts of Common Pleas and General Sessions of the Peace, in and for Queen's and Westchester Counties.*

Passed 22d March, 1790.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the terms or sittings of the courts of common pleas and general sessions of the peace in and for the said county of Columbia, thereafter to be held in the said county, shall be held and continued from the times of their respective commencement by law, every day (except Sunday) until Thursday in the next ensuing week inclusive, unless the business of the said courts will sooner admit of an adjournment ; any law to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That the February term of the court of common pleas and general sessions of the peace in and for Queen's county, shall be and hereby is abolished. And that at the end of the term of the court of common pleas and general sessions of the peace to be held in and for Queen's county, on the second Monday in November, in every year hereafter, or as soon as the due administration of justice will admit, in each November term, the said courts shall be adjourned to the first Monday in June then next.

III. *And be it further enacted by the authority aforesaid,* That the September and January terms of the courts of common pleas and general sessions of the peace in and for the county of Westchester, shall be and hereby are abolished. And that in future the courts of common pleas and general sessions of the peace in and for the said county, shall be held on the fourth Mondays in May and October in every year ; and shall be held alternately at the court-house, at the White-Plains, and at the court-house in Bedford ; and may continue and be held until the several Saturdays next following inclusive, unless the business of the said courts will sooner admit of an adjournment.

C H A P. XXVIII.

§ 11. *sess. ch. 40.*

*An ACT to amend the Act entitled, &c. An Act concerning Slaves.*

Passed 22d March, 1790.

**W**HEREAS many inconveniences have arisen from the prohibiting the exporting of slaves from this state; Therefore

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That* where any slave shall hereafter be convicted of a crime under the degree of a capital offence, in the supreme court, or the court of oyer and terminer, and general goal delivery, or a court of general sessions of the peace within this state, it shall and may be lawful to and for the master or mistress to cause such slave to be transported out of this state. Provided always, That the court before which the conviction may take place, shall previously certify, that the crime whereof such slave shall be convicted, is of such a nature, that transportation would be a proper punishment: Provided also, That this act shall not be construed to restrain any such court from inflicting such other punishment on a slave so to be convicted, as from the nature of the offence, and the course of the law they may judge proper.

II. *And be it further enacted by the authority aforesaid, That* whenever a master or mistress shall be disposed to manumit his or her slave, according to the direction of an act, entitled, An act concerning slaves, passed the 22d day of February, 1788, and the overseers of the poor of any city, town or place where such master or mistress shall reside, or the major part of them, on application made by such master or mistress, shall refuse to give the certificate by that act prescribed, and the master or mistress shall conceive himself or herself aggrieved thereby, it shall and may be lawful for such master or mistress to appeal to the general sessions of the peace, for the county, who shall in such case examine the slave proposed to be manumitted; and if it shall appear to the court, that he or she is under fifty years of age, and of sufficient ability to provide for himself or herself, it shall be the duty of the court to give a certificate to that purpose, and such certificate shall be as effectual to all intents and purposes, as a certificate signed by the overseers of the poor of the city, town or place, or the major part of them, and of two justices of the peace of the county where the owner may reside, would have been according to the true intent and meaning of the said act.

C H A P. XXIX.

*Extended to Brothertown and Stockbridge Indians, 14th sess. ch. 13.*

*An ACT more effectually to protect certain Tribes of Indians residing within this State from Frauds.*

Passed 22d March, 1790.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

That no person shall sue, prosecute, or maintain an action arising on a bond, bill, note, promise or other contract whatsoever, hereafter to be executed or made against any Indian residing on the lands reserved to the Oneidas, Onondagas or Cayugas; and every person who shall sue or prosecute any such Indian contrary to this act, shall be subject to pay treble costs to the party aggrieved. And this act is hereby declared to be a public act. Provided, That this act shall not affect any contracts to be made before the first day of July next.

C H A P. XXXII.

*An ACT to amend an Act respecting the South-Beach, in the County of Suffolk,*

Passed 22d March, 1790.

**W**HEREAS it has been represented to the legislature by Humphry Avery, and others, proprietors of that part of the South-Beach, in Suffolk county, lying between a place called and known by the name of Long Cove, and a certain gut or inlet called and known by the name of Huntington West Gut, that they are prevented from using or improving the said beach to any advantage by the act entitled, *† An act to refrain the feeding and burning the grass, and cutting the timber on certain beaches and islands therein mentioned*, passed the 24th day of April, one thousand seven hundred and eighty-four; Therefore,

*Be it enacted by the people of the State of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful to and for the proprietors of the said beach above described, to pasture and otherwise use and improve the same in such manner, and to such purposes, as they might have done had the above mentioned act never been passed. Provided always, That nothing in this act contained shall be construed to prevent or defeat the operation of the above mentioned act in any other part of the beaches or islands therein described.

C H A P. XXXIII.

*An ACT to amend the several Inspection Laws therein mentioned.*

Passed 29th March, 1790.

**W**HEREAS it is represented to the legislature, that the act to regulate the re-packing of beef and pork for exportation, passed the seventh day of March, one thousand seven hundred and eighty-eight; and the act to regulate the exportation of flax-seed and lumber, passed the first day of March, one thousand seven hundred and eighty-eight; and the act to ascertain the quality of pot and pearl ashes, passed the twenty-third day of April, one thousand seven hundred and eighty-four, may be so amended as to render the commodities in those several acts mentioned, more valuable in foreign markets; Therefore,

*Be it enacted by the people of the State of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That

*Re-packers of beef and pork, how to examine, sort and divide all beef and pork by them re-packed, and how to mark and brand the casks in which it is re-packed.*

from and after the first day of October next, the re-packers of beef and pork shall examine, sort and divide all beef to be by them re-packed into barrels in the following manner; that is to say, such beef as is large and fat, without either hocks, shins or neck pieces, shall be sorted by itself, and on one of the heads of all barrels containing beef of this quality shall be branded the words, *mess beef*, and such beef as in the first above recited act is denominated first quality, shall be sorted by itself, and on one of the heads of all barrels containing beef of that kind shall be branded the words, *prime beef*, and such beef as in the said act is denominated second quality shall be sorted by itself, and on one of the heads of all barrels containing beef of this kind, shall be branded the words, *cargo beef*; and further, that every barrel in which any kind of beef shall so be re-packed as aforesaid, shall contain two hundred pounds weight of such beef, and shall be of such size

and dimensions as to hold not less than thirty nor more than thirty-one gallons, and the figures 200 shall be branded on one of the heads of every such barrel.

11. *And be it further enabled by the authority aforesaid,* That from and after the said first day of October next, every barrel in which such pork shall be re-packed as by the aforesaid act, is denominated first quality, shall not contain more than twenty-four pounds of head; any thing in the said act to the contrary notwithstanding; and on one of the heads of every such barrel shall be branded the words, prime pork, and on one of the heads of every barrel in which such pork shall be re-packed, as by the aforesaid act is denominated second quality, shall be branded the words, cargo pork, and every barrel in which any kind of pork shall so be re-packed shall contain two hundred pounds weight of such pork, and shall be of such size as to hold not less than twenty-nine, nor more than thirty gallons, and the figures 200 shall be branded on one of the heads of every such barrel. Provided always, That all beef and pork which shall be re-packed before the said first day of October next, may be exported in the same manner as if this act had never been passed.

12. *And be it further enabled by the authority aforesaid,* That every half barrel in which beef shall be re-packed by virtue of this act, shall be of such size as to hold not less than fifteen and an half, nor more than sixteen gallons, and shall contain one hundred pounds weight of beef; and every half barrel in which pork shall so be re-packed, shall be of such size as to hold not less than fifteen, nor more than fifteen and an half gallons, and shall contain one hundred pounds weight of pork; and if such pork be of the quality hereby denominated prime, such half barrels, shall contain not more than twelve pounds of head, and on one of the heads of every such half barrel of beef or pork so to be re-packed, shall be branded the figures 100, and in other respects to be branded as on the full barrel.

13. *And be it further enabled by the authority aforesaid,* That if any person within this state shall cure and put up any quantity of beef or pork not less than fifty barrels, within one year, and shall put up the same in barrels or half barrels, containing the weight specified in this act, and shall produce a certificate from a magistrate of the place where such beef or pork was put up, purporting that such person had cured and put up the number of barrels or half barrels aforesaid, containing the weight aforesaid, within the same year, together with an affidavit (to the same purport of the person who did cure and put up such beef and pork) it shall be lawful for such person to export such beef and pork without being further re-packed, upon branding his name at full length, on one head of each barrel or half barrel. Provided always, That if such beef or pork be sold before exportation, the exporter thereof shall also brand his name at full length on the same head on which the name of the person who cured and put up the same was branded; any thing in this act, or the above recited act to the contrary in any wise notwithstanding.

14. *And be it further enabled by the authority aforesaid,* That all beef, pork and flour manufactured in any of the United States, other than this state, and re-packed, branded, or inspected pursuant to the laws of the respective states

After 1st Oct. next, barrels of re-packed pork, how to be branded, and of what size.

Half barrels of re-packed beef and pork, their size, and how branded.

Terms on which persons may export their own beef and pork without further re-packing.

Beef, pork and flour of other states, how to be re-shipped here.

from whence the same was imported into this state, such beef, pork or flour may be re-shipped as the beef, pork or flour of the state where the same was manufactured, without being again re-packed or inspected.

VI. *And be it further enacted by the authority aforesaid,* That the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, shall appoint such number of inspectors of lumber for the city and county of New-York, that the whole number of such inspectors shall not be less than four; and every such inspector shall be entitled to receive for inspecting all boards, plank and scantling, by him so to be inspected, at and after the rate of two shillings for every thousand feet, superficial measure; any thing in the act to regulate the exportation of flaxseed and lumber, passed the first day of March, 1788, to the contrary notwithstanding.

VII. *And be it further enacted by the authority aforesaid,* That all plank and boards which are less than six inches wide, clear of sap, may be exported as sap plank and boards, being first inspected and marked with the letter S, the initials of the inspector's name, and the number of feet on each plank and board. Provided such plank and boards are of the thickness of merchantable plank and boards; and that in addition to the sizes of shingles heretofore by law allowed to be exported, shingles of twenty-two inches, and shingles of three feet in length, shall be included; and that the shingles of twenty-two inches in length, shall be at least four inches wide, exclusive of sap, and of a proper thickness; and that the shingles of three feet in length shall be at least five and an half inches wide, exclusive of sap, straight, and of a sufficient thickness.

VIII. *And be it further enacted by the authority aforesaid,* That no inspector of lumber shall appoint any deputy, purchase any lumber except for his own use, nor sell any lumber whatsoever, on pain of forfeiting his office.

IX. *And be it further enacted by the authority aforesaid,* That the inspectors by law appointed to ascertain the quality of pot or pearl ash, shall not after the said first day of

October next, brand any cask containing pot or pearl ash, unless the same be twenty-nine inches in length, nineteen inches in diameter at each head, be trimmed with at least eighteen hoops, be made of white-oak staves and heading, and be sound and tight, and that the tare of every such cask be at least fourteen per cent. on the gross weight of the cask and its contents.

X. *And be it further enacted by the authority aforesaid,* That after the first day of March next every manufacturer of pot or pearl ash, shall provide a distinguishable brand, with the initial letter of his christian name, and his surname at full length on such brand, and shall therewith brand each and every cask containing pot or pearl ash, of his own manufacture, before the same be removed from the place where the same shall be so manufactured, under the penalty of five shillings for every cask so removed and not branded as aforesaid.

Duty of manufacturers of pot and pearl ash, after 1st March next.

# C H A P. XXXIV.

An ACT giving further Powers to the Courts of General Sessions of the Peace, Passed 29th March, 1790.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

That it shall and may be lawful to and for any court of general sessions of the peace, to take indictments of any treason, misprision of treason, murder, or felony whatsoever, committed or done, or to be committed or done in the city or county in and for which such court shall be held, but no such court shall proceed to determine any such indictment of or for any treason, misprision of treason, murder or felony, which is by law punishable with death for the first offence, but shall cause the indictments for the same to be delivered to the next supreme court, or court of general gaol delivery, to be held in such city or county, there to be determined according to law.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any court of general sessions of the peace, to hear, determine and punish according to law, all perjuries and false swearing, committed or to be committed, in the city or county, in and for which such court of general sessions of the peace shall be held.

## C H A P. XXXV.

*An ACT to authorise the Clerk of the Senate to issue Notices for the Election of Senators in the Places of those whose Seats are or may hereafter become Vacant between the first Day of March, and the fifteenth Day of April in every Year.*  
Passed 29th March, 1790.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the clerk of the senate shall forthwith after the passing of this act, inclose and send in writing under his hand to the several sheriffs of the different counties in the respective great districts of this state, a notification of the names of the senators for each respective district, whose seats have become vacant since the first day of this instant March, and of the number of senators to be elected in such districts at the next ensuing election, to supply the places of such senators whose seats have so become vacant. And it shall be the duty of the clerk of the senate, for the time being, in every year hereafter to send such notification as aforesaid, in case of the vacancy of a seat of a senator or senators between the first day of March and the fifteenth day of April.

## C H A P. XXXVIII.

*An ACT for the further Encouragement of Literature.*

Passed 31st March, 1790.

**W**HEREAS it is the duty of a free and enlightened people to patronize and promote science and literature, as the surest basis of their liberty, property and happiness: And whereas the regents of the university in their annual reports communicated at the last and present sessions, have represented that Columbia college, as well as the respective academies incorporated by the said regents in pursuance of the trust reposed in them by the legislature, require aid and encouragement to remove the impediments under which they labour, from a deficiency of their funds, notwithstanding the contributions of individuals. And it appearing to this legislature, that a proportion of the public property will be wisely and usefully employed in enabling the said regents to remove those disadvantages, and to proceed with greater energy and success in accomplishing the important office assigned to them by law, as the guardians of the education of the youth of this state. Therefore,

**I.** *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it

*Regents of the university to take possession of, and lease out, certain lands for the benefit of said college and academics, &c.*

shall and may be lawful to and for the said regents of the university, and their successors, and they are hereby authorised and empowered to enter into and take seisin and possession of the lands and tenements hereafter described, being now vested in the people of this state; that is to say, a certain tract of land in the county of Washington, adjoining the south end of Lake-George, beginning at the south-east corner of a tract of land heretofore granted to John Jones, and extending thence easterly along the said lake to the place where a small brook falls into the said lake, on the east of the place where fort George formerly stood; thence east forty chains, thence south one hundred and sixty chains, thence west, until the place of beginning bears north forty degrees east, and thence to the place of beginning. And also a certain other tract of land in the county of Clinton, called Ticonderoga, bounded southerly by the waters issuing out of Lake-George, easterly by the waters of Lake-Champlain, and northerly and westerly by the adjoining patented lands. And also a certain tract of land at Crown-Point, situate within the same county, bounded westerly, northerly and easterly by the waters of Lake-Champlain, and southerly by the adjoining patented lands. And also a certain island lying within the general bounds of the city and county of New-York, commonly called and known by the name of Governor's island, and the same lands and tenements to lease, grant and demise from time to time for one or more lives, or for years, and on such rents and considerations as they the said regents of the university, or their successors shall judge most beneficial; so that no more than two dwelling houses shall at any time be erected on the said island. And to sue for, recover, have and receive the rents, issues and profits thereof, which are now in arrear, or shall become due hereafter; and from time to time to dispose of and apply the same for the better advancement of science and literature in the said college, and the respective academies now incorporated or hereafter to be incorporated under their superintendence and authority within this state, and in such manner and proportion as they shall conceive will best answer the ends of their institution, and the true intent and meaning of this act. Reserving so much of the said rents, issues and profits as shall be found necessary to defray the expence which shall be incurred by them in the execution of their trust. Provided always, That if any part of the said lands shall hereafter become necessary for the public defence, or other public uses, all leases and grants, with respect to such parts thereof, shall cease and be suspended during the pleasure of the legislature, without any compensation to be made therefor; any thing herein contained to the contrary notwithstanding. And provided also, That the said regents of the university shall pay to Morgan Lewis, Esquire, the sum of two hundred pounds in full for all claims he may have on any part of the above described lands.

**II.** And whereas the state of literature requires, that in addition to the provision which may arise from the rents and profits of the lands vested in the regents of the university by this act, a sum of money should be applied by them without delay, for the encouragement and promotion of science in the said college and the academies already incorporated. Therefore,

*Be it further enacted by the authority aforesaid,* That it shall and may be lawful to, and for the treasurer of this state, and he is hereby authorised and required, to advance and pay to the regents of the university, out of any mo-

ties in the treasury unappropriated, the sum of one thousand pounds, out of a warrant to be issued by the chancellor thereof, to enable them more effectually to answer the purpose aforesaid.

## C H A P. XL.

*§ 12. Act Ch. 24. An ACT to repeal the first and second Sessions of an ACT, entitled, 'An ACT for the Relief of Debtors with respect to the Imprisonment of their Persons, so far as the same retrospect to Debts and Contracts existing previous to the passing of the same.'*

Passed 31st March, 1790.

**I.** *BE* it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the first and second sections of the act, entitled, an act for the relief of debtors, with respect to the imprisonment of their persons, so far as the same sections relate and retrospect to debts and sums of money, owing from any person or persons previous to the passing of the same act, shall be, and hereby are repealed.

**II.** *And be it further enacted by the authority aforesaid,* That it shall be lawful, for any person or persons, to whom any debt or debts, sum or sums of money, designated in the said two sections, were due and owing previous to the passing of the said act, to sue and prosecute to execution, and to confine in gaol, such person or persons respectively, from whom such debt or debts, sum or sums of money were due and owing as aforesaid, in like manner, and as by law they might have done, in case the said act had not passed, Provided always, That in all cases, where any person or persons have been already discharged, by virtue of the same act, such person or persons respectively, shall not be again imprisoned for the same debt or sum of money, notwithstanding the same may have been contracted, due, or owing, previous to the passing of the said act.

**III.** *And be it further enacted by the authority aforesaid,* That the judge, justice or magistrate, who shall issue execution for any debt or debts, or contracts made and entered into, previous to the passing of the said act, shall specify in the same, that the cause of action did arise, on or before the tenth day of June, one thousand seven hundred and eighty-nine.

## C H A P. XLI.

*An ACT to enable Pieter Johan Van Berckel, and the several Persons therein named, to purchase and hold Real Estate within this State.*

Passed 2d April, 1790.

**I.** *BE* it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for the said Pieter Johan Van Berckel, to purchase lands, tenements and hereditaments within this state, and to have and to hold the same, to him, his heirs and assigns, to the use of him, the said Pieter Johan Van Berckel, his heirs and assigns, forever; as fully, and to all intents and purposes as any natural born citizen or citizens may, or can do, any law, usage, or custom to the contrary notwithstanding.

**II.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, for Antoine René Charles De la Forest, to purchase lands,



tenements and hereditaments within this state, and to have and to hold the same, to him, his heirs and assigns, to the use of him, the said Antoine René Charles De la Forest, his heirs and assigns forever; as fully, and to all intents and purposes, as any natural born citizen may or can do, any law, usage, or custom to the contrary notwithstanding.

III. *And be it further enacted by the authority aforesaid,* That John Munnell, and John Foxcroft, be, and they are respectively enabled to purchase lands, tenements and hereditaments, within this state, not exceeding in value, four thousand pounds; and to hold the same, to them respectively, their respective heirs and assigns forever, as fully and to all intents and purposes as any natural born citizen may or can do.

IV. And whereas John C. Rothery, an alien, hath some time since purchased a real estate lying in Queen's county on Long-Island, from James Hicks, of the said county; and hath prayed that he may be authorised to convey the same, in like manner as if at the time of such purchase he had been a citizen of this state. Therefore,

*Be it further enacted by the authority aforesaid,* That all deeds and conveyances made or to be made by the said John C. Rothery, of such real estate so purchased of the said James Hicks, shall be as valid and effectual in the law, to vest such estate in the purchaser or purchasers thereof, as they would have been had the said John C. Rothery been a citizen of this state at the time such conveyance was so made to him as aforesaid.

C H A P. XLIV.

*An ACT to improve the Navigation of Hudson's River.*

Passed 2d April, 1790.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the proprietors of the islands, commonly called Mills's-Island, and the island called Papskni, and the proprietors of the soil on the main land adjacent to the said islands respectively, or any of them, to obstruct the passage of the water passing between the said islands and the main land, by placing causeways or other obstructions as to them shall seem proper, or for any other person or persons, by and with the consent of such owner or owners, to make such obstructions as aforesaid. Provided always, That such obstructions shall be erected at the expence of such owner or owners of the soil, as shall agree thereto, or at the expence of such person or persons as shall obtain licence from such owner or owners, for the purpose of erecting such obstructions, and on such terms and conditions as the contracting parties may agree upon.

C H A P. XLV.

*An ACT to encourage the destroying of Wolves and Panthers.*

Passed 3d April, 1790.

**L**B E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, every person who shall actually take and kill a wolf or wolves, panther or panthers, in any of the counties within this state, except the counties of Clinton or Ontario, shall have and

receive the following rewards ; that is to say, For every grown wolf or panther, killed in the counties of Montgomery or Washington, twenty shillings, and for every wolf or panther, under the age of one year, killed in the said counties of Montgomery or Washington, ten shillings, and for every grown wolf or panther killed in any other county of this state, except the counties of Ontario or Clinton, the sum of three pounds, and for every wolf or panther under the age of one year, thirty shillings ; the said rewards to be paid by the county treasurers respectively, as shall be directed by this act.

II. *And be it further enacted by the authority aforesaid,* That before any person or persons shall be entitled to any of the rewards allowed by this act, he or they shall carry the head or heads of such wolf or wolves, panther or panthers, with the entire skin thereon, to any justice of the peace or any supervisor dwelling in the county in which such wolf or wolves, panther or panthers shall have been killed and taken, and the said justice or supervisor shall be and is hereby empowered, directed and required, to administer to every such person an oath in the words following, viz. " You do swear that the wolf or panther, the head whereof you now produce to me, was taken and killed within the county of \_\_\_\_\_ ;" and after the taking of such oath, the said justice or supervisor shall, and is hereby empowered and required to give a certificate thereof to such person or persons as have so sworn as aforesaid ; and such justice or supervisor for administering such oath and giving a certificate thereof, shall receive no fee or reward, and the said justice or supervisor, in giving such certificate, shall therein mention the name or names of such person or persons as have so sworn, that he or they had actually taken and killed such wolf or wolves, panther or panthers, within the county where the same shall, by the oath aforesaid, appear to have been taken and killed, and to distinguish whether the same were full grown ; and such justice or supervisor shall cut off and destroy the ears of every such wolf or panther for which such certificate shall be granted ; and such certificate being produced to the supervisors of the said county, the said supervisors shall allow to such person as shall produce such certificate, all such sum or sums of money as shall appear to be allowed to him by this act ; and the said reward shall be a county charge, and shall be assessed, raised and levied together with the other necessary and contingent charges of the county.

III. *And be it further enacted by the authority aforesaid,* That the supervisors of the respective counties in which any wolf or panther shall be killed, shall, and are hereby empowered, required and directed, to order the aforesaid sum or sums of money, by this act to become due, to be paid to the county treasurer ; and the same county treasurer shall pay the same, as shall be ordered by the said supervisors, to such person or persons, his or their assigns, as shall have taken and killed such wolf or wolves, panther or panthers.

IV. *And be it further enacted by the authority aforesaid,* That every free Indian, free negro, or mulatto, or slave, who shall have actually taken and killed any wolf or wolves, panther or panthers, within any of the counties of this state, except in the counties of Clinton and Ontario, and shall carry the head or heads thereof, with the entire skin thereon, to any of the justices or supervisors of the county wherein such wolf or wolves, panther or panthers, shall be taken and killed, and bring evidence, or give such reasons as shall be satisfactory to the said justice or supervisor, that such wolf or wolves, or panther or panthers, was or were taken and killed within the said county, where such justice or supervisor was appointed or chosen ; then and in such

And, such justice or supervisor is hereby empowered, required and directed, to give a certificate to the master or mistress of such slave, or to such free Indian, free negro, or mulatto, in the same manner and form as is herein before directed to be given: And such master or mistress, or free Indian, free negro or mulatto, shall be entitled to, and receive the same reward or rewards, as by this act is given in such cases as aforesaid.

C H A P. XLVII.

An ACT for the Inspection of Sole Leather, in the City of Albany.

Passed 3d April, 1790.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the mayor, aldermen and commonalty of the city of Albany, in common council convened, shall be, and hereby are authorized and directed to appoint, from time to time, and as often as vacancies, by death, resignation of office or otherwise, shall happen, one fit person, to inspect and weigh all sole leather, that shall be manufactured within the said city of Albany, or imported or brought into the said city, from any place whatsoever, after the passing of this act, other than such as shall have been inspected in the city of New-York, which said inspector shall take and subscribe the following oath, before the mayor or recorder of the city of Albany, before he shall be deemed qualified for, or proceed to the execution of the duties enjoined upon him by virtue of this act. I, do solemnly swear, that I will well, faithfully and impartially, according to the best of my skill and understanding, execute, do and perform the office and duty of an inspector and examiner of sole leather, and will not, directly or indirectly, by myself, or any person or persons under me, or for my benefit or advantage, buy or sell any sole leather, during the time that I shall continue an inspector of the same (except for the use of my own family) according to the true intent and meaning of an act, entitled, An act for the inspection of sole leather in the city of Albany. So help me God.

No sole leather to be sold in Albany until it has been inspected, under a penalty of 40s.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no sole leather whatsoever, other than such as shall have been inspected in the city of New-York as aforesaid, shall be sold, disposed of or used for any purpose or purposes whatsoever, within the said city of Albany, until the same shall be inspected, sealed and weighed by the inspector to be for that purpose appointed by virtue of this act, under the penalty of forty shillings for every such offence, to be sued for and recovered by action of debt, with costs of suit, in a summary way, by any person or persons who will sue and prosecute for the same, before the mayor, recorder, or any alderman of the city of Albany, to be levied by process to be directed to the sheriff or any one of the constables of the said city, commanding him or them or either of them to levy the same by distress and sale of the offender's goods and chattels, one moiety whereof, when so recovered, to be paid to the chamberlain of the city of Albany, to be applied at the discretion of the mayor, aldermen and commonalty of the said city, to the use of the poor thereof; and the other moiety to the use of such person or persons who shall prosecute for the same.

III. And be it further enacted by the authority aforesaid, That there shall be paid to the inspector, for inspecting, sealing and weighing of every side of  
Vol. II. S s

sole leather, the sum of four-pence ; one half thereof to be paid by the seller, and the other half by the purchaser.

IV. *And be it further enacted by the authority aforesaid* That the inspector shall, and is hereby required to provide himself with seals for marking sole leather, and to impress on every side of sole leather, which shall be deemed dry, good and merchantable, his own name and the word Albany, at full length, and also the weight thereof ; and if any person or persons shall presume to counterfeit such mark or marks to be made by such inspector, by making any impression or mark on any sole leather, he or they so offending, shall forfeit and pay for every such offence, the sum of ten pounds, to be sued for, recovered and applied in manner aforesaid. Provided nevertheless, That all sole leather, which upon inspection as aforesaid, shall be found not to be dry, good and merchantable, and which as such shall not be branded in manner herein before directed, may be used for any other purposes except being worked into shoes, boots or buckets. And provided further, That all such sole leather, which shall not, on such inspection as aforesaid, be deemed good and merchantable by the inspector, shall be by him marked with the word bad, and may then be used for any other purpose, except being worked into shoes, boots or buckets ; and every such inspector is hereby required and directed to keep proper instruments for the purpose of marking such unmerchantable leather accordingly ; and if any person or persons shall presume to work up into shoes, boots or buckets, any sole leather, before the same shall be inspected as aforesaid, or any sole leather, which shall be marked with the word bad as aforesaid, he or they so offending shall forfeit and pay for every such offence the sum of ten pounds, to be sued for, recovered and applied in the manner before directed.

#### C H A P. XLVIII.

*An ACT for altering certain Clauses in the Charter of the Corporation for the Relief of the Widows and Children of Clergymen of the Protestant Episcopal Church, in the United States of America.*

Passed 5th April, 1790.

**W**HEREAS it hath been represented to the legislature, by the corporation for the relief of the widows and children of clergymen of the protestant episcopal church in the United States of America, that the good and charitable purposes for which the said corporation was instituted, are in danger of being defeated by reason of the increase of its members, and the largeness of the quorum, being a major part of the whole body authorized to transact the business and affairs of the said corporation : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That

A majority of any 20 or more members of the corporation, may propose new bye laws, or the alteration of old ones.

it shall and may be lawful for a majority of any twenty or more members of the said corporation, met at any annual or other meeting duly assembled, to propose any new bye-law or regulation, or the repeal, alteration or amendment of any bye-law or regulation now existing, for the better ordering the affairs of the said corporation, and to cause the same to be published in one or more of the public news-papers in each of the states of New-York, New-Jersey and Pennsylvania ; and if at the next meeting of the said corporation thereafter, to be held at any time not less than six months after

Such publication, thirty or more members shall be duly assembled, and three-fifths of the members so assembled shall approve and ratify such proposed Bye-law or regulation, or such proposed repeal, alteration or amendment of a former bye-law or regulation, the same shall be, and is hereby declared to be as valid and effectual, to all intents and purposes, for carrying on the charitable designs of the said corporation, as if the majority of all the members had been met; any thing in the said charter to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That the not meeting of a sufficient number of the said corporation heretofore at any of the stated days or times of meeting, for that purpose directed by the said charter, shall not be, nor shall be considered, taken, held or adjudged to be a forfeiture of the said charter, or a dissolution of the said corporation; nor shall the rights and powers of the said corporation be in any wise lessened or impeached thereby; but their said charter, and every part thereof, not altered by this act, or an act of the legislature of this state,

† 10th sess. ch. 34.

entitled, † An act to amend the charter of the corporation for the relief of the widows and children of clergymen in the communion of the church of England in America, passed the 19th of February, 1787, shall be good and available in all things in the law, according to the true intent and meaning thereof; and shall be construed, reputed and adjudged in all cases most favorably on behalf and for the best benefit and behoof of the said corporation and their successors, so as most effectually to answer the good purposes of their institution and incorporation.

# C H A P. XLIX.

*An ACT to appoint Trustees to take and hold certain Lands therein mentioned, and for other Purposes.*

Passed 5th April, 1790.

**W**HEREAS in that part of the town of Rensselaerwyck, in the county of Albany, herein after described, a considerable number of houses are already erected, and occupied by merchants, mechanics and others, to the advancement of commerce and manufactures in this state; and in order to enable them to regulate their internal police, and to secure the benefits of certain commonable lands lying within the same, have prayed, that they might be enabled to appoint trustees; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That

John Van Rensselaer, Christopher Tillman, Elijah Janes, Aaron Ward, Stephen Goreham, Ezra Hickock and Levinus Lansing, shall be, and they are hereby declared to be

John Van Rensselaer and others, appointed first trustees of Lansingburgh.

the first trustees for the freeholders and inhabitants of that part of the town of Rensselaerwyck, commonly called Lansingburgh, and shall continue to be trustees until the third Tuesday in May next; and that it shall and may be lawful to and for the said freeholders and inhabitants, qualified by law to vote at town meetings, to assemble on the third Tuesday of May next, and annually, on the third Tuesday of May in every year thereafter, at such place and at such time of the day as the trustees for the time being, or the major part of them, shall, by public advertisement, appoint, and, under the direction of the said trustees, or such of them as shall be present, who are hereby made inspectors of such election, then and there, by a majority of voices, to elect seven discreet inhabitants, being freeholders, to

trustees as aforesaid, who shall continue in office until the third Tuesday in the month of May, in the next ensuing year.

II. *And be it further enabled by the authority aforesaid,* That the said trustees hereby appointed, and their successors, are hereby enabled to take a lease of lands, tenements, or hereditaments, of any lands lying and being in the county of Albany aforesaid, and to hold the same, to them and their successors forever, in trust, to and for the common use and benefit of the freeholders and inhabitants aforesaid.

III. *And be it further enabled by the authority aforesaid,* That the said freeholders and inhabitants, at their annual meetings, to be held as aforesaid, and at such other times in the year as the said trustees, or a majority of them, may think necessary, and advertise for the purpose, shall be, and they are hereby authorized and empowered, from time to time, to make, ordain, constitute and establish, such prudential rules, orders and regulations, as a majority of such freeholders and inhabitants so assembled, and having a right to vote, shall judge necessary and convenient, for the better improving of their common lands, and for ascertaining and directing the use and management thereof, and respecting the cutting of wood on the same; and also to ordain and establish such prudential rules and orders, relative to the cleansing and keeping in order and repair the common streets and highways in Lansingburgh aforesaid, and removing nuisances therefrom; and also to make and ordain rules and regulations, proper to compel the house-keepers in Lansingburgh aforesaid, to furnish themselves with a sufficient number of proper fire-buckets, and with necessary tools and implements for extinguishing of fires, and to impose such penalties on the offenders against such rules, orders and regulations, or any or either of them, as the majority of such freeholders and inhabitants, so assembled, shall, from time to time, deem proper, not exceeding forty shillings for any one offence, to be recovered by the said trustees for the time being, in their own names, with costs of suit, for the use of the said freeholders and inhabitants, by action of debt, before any justice of the peace residing in the said county of Albany.

IV. *And be it further enabled by the authority aforesaid,* That the said trustees hereby appointed, and their successors, shall and may, from time to time, constitute and appoint, one fit person to be a common clerk, for the said freeholders and inhabitants, whose duty it shall be to record all rules, orders and regulations, made by the said freeholders and inhabitants, at their meetings as aforesaid, in a proper book, to be by him provided for such purpose, and also to do and perform all such matters and things, as the said trustees, or a majority of them, shall, lawfully, from time to time by writing under their hands, appoint and direct.

V. *And be it further enabled by the authority aforesaid,* That it shall and may be lawful, to and for the said trustees, or the major part of them, and they are hereby required with all convenient speed, to elect, nominate and appoint, a sufficient number of men, willing to accept, not exceeding fifteen in number, out of the inhabitants residing in Lansingburgh aforesaid, to have the care, management, working, and use of the fire engine or engines, belonging to the said freeholders and inhabitants, and also the other tools and instruments for extinguishing fires; and the said trustees, or the major part of them, are hereby authorized and empowered to remove or displace all or any of the firemen, so as aforesaid to be elected, nominated and appointed, when and as often as they shall think fit, and others in their stead to elect, nomi-

Trustees to appoint  
15 persons to have the  
care of fire engines,  
&c.

date and appoint, and also to make, establish and ordain, such rules, orders and regulations, for the government, conduct, duty and behaviour of such firemen, as to them shall appear necessary and proper.

VI. *And be it further enabled by the authority aforesaid*, That such persons as shall be elected and appointed firemen, and each and every of them, during the time such person or persons shall remain firemen, and no longer, shall, and hereby are declared to be freed and exempted from serving in the office of constable and overseer of the highways, and of and from serving as jurors, and of and from serving in the militia, except in cases of invasion or other imminent danger.

VII. And whereas it hath been represented to the legislature, that the seventh section of the act, entitled, *† An act for erecting a town, by the name of Middletown, and to alter the bounds of the town of Rochester and Woodstock, in the county of Ulster, and for erecting a town, by the name of Easton, and to alter the bounds of the towns of Schenectady and Ballstown, in the county of Albany, and for other purposes therein mentioned, is by experience, found to be injurious to the interest of the township of Schenectady. Therefore, Be it further enabled by the*

*authority aforesaid*, That every person, who shall at any time hereafter, cut or otherwise destroy, or carry away from, and out of the common lands of the town of Schenectady, any hickory, oak, maple, beech or ash trees, growing thereon, of a less size than six inches diameter at the stump, shall forfeit and pay the sum of five shillings for every such offence; and that every person who shall, at any time hereafter, in any of the said common lands, cut down any tree, with intent to make staves thereof, or shall cut down any tree, and shall not carry away every part of such tree fit for fuel, excepting all kinds of pine trees, and such as may be applied to building and fencing, and opening of roads, every person so offending, shall, for every such offence, forfeit and pay the sum of twenty shillings: And that the said seventh section of the aforesaid recited act, is hereby repealed.

Penalty inflicted on persons for wasting the wood in the commons of Schenectady.

## C H A P. LL

*An ACT to explain and amend the Law concerning the Proving of Wills respecting Real Estates.*

Passed 5th April, 1790.

WHEREAS doubts have arisen whether any will or codicil, when one or more of the witnesses to the same are either dead, or do not reside within this state, can be proved and recorded according to the act, entitled, *† An act for the relief of creditors against heirs, devisees, executors and administrators, and for proving wills respecting real estates; Therefore,*

*† 9th sess. ch. 27.*

I. *Be it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same*, That when any witness or witnesses to any last will and testament, or codicil, shall be examined in any court, according to the said act, and it shall appear to the same court that the other witness or witnesses are either dead, or do not reside within this state; then and in every such case, the same court shall and may receive and take in open court, such proof of the hand writing of the testator, or of the witness or witnesses so dead or absent, or of such other cir-

Trustees as aforesaid, who shall continue in office until the third Tuesday in the month of May, in the next ensuing year.

*And be it further enacted by the authority aforesaid,* That the said trustees, and their successors, are hereby enabled to take a grant or grants, feoffment or feoffments, of any lands lying and being in Lanfingburgh aforesaid, and to hold the same, to them and their successors, their heirs, assigns, to and for the common use and benefit of the freeholders and inhabitants aforesaid.

*And be it further enacted by the authority aforesaid,* That the said freeholders and inhabitants, at their annual meetings, to be held as aforesaid, and at such other times in the year as the said trustees, or a majority of them, may think necessary, and advertise for the purpose, shall be, and they are hereby authorized and empowered, from time to time, to make, ordain, constitute and establish, such prudential rules, orders and regulations, as a majority of such freeholders and inhabitants so assembled, and having a right to vote, shall judge necessary and convenient, for the better improving of their common lands, and for ascertaining and directing the use and management thereof, and respecting the cutting of wood on the same; and also to ordain and establish such prudential rules and orders, relative to the cleansing and keeping in order and repair the common streets and highways in Lanfingburgh aforesaid, and removing nuisances therefrom; and also to make and ordain rules and regulations, proper to compel the house-keepers in Lanfingburgh aforesaid, to furnish themselves with a sufficient number of proper fire-buckets, and with necessary tools and implements for extinguishing of fires, and to impose such penalties on the offenders against such rules, orders and regulations, or any or either of them, as the majority of such freeholders and inhabitants, so assembled, shall, from time to time, deem proper, not exceeding forty shillings for any one offence, to be recovered by the said trustees for the time being, in their own names, with costs of suit, for the use of the said freeholders and inhabitants, by action of debt, before any justice of the peace residing in the said county of Albany.

*IV. And be it further enacted by the authority aforesaid,* That the said trustees hereby appointed, and their successors, shall and may, from time to time, constitute and appoint, one fit person to be a common clerk, for the said freeholders and inhabitants, whose duty it shall be to record all rules, orders and regulations, made by the said freeholders and inhabitants, at their meetings as aforesaid, in a proper book, to be by him provided for such purpose, and also to do and perform all such matters and things, as the said trustees, or a majority of them, shall, lawfully, from time to time by writing under their hands, appoint and direct.

*V. And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the said trustees, or the major part of them, and they are hereby required with all convenient speed, to elect, nominate and appoint, a sufficient number of men, willing to accept, not exceeding fifteen in number, out of the inhabitants residing in Lanfingburgh aforesaid, to have the care, management, working, and use of the fire engine or engines, belonging to the said freeholders and inhabitants, and also the other tools and instruments for extinguishing fires; and the said trustees, or the major part of them, are hereby authorized and empowered to remove or displace all or any of the firemen, so as aforesaid to be elected, nominated and appointed, when and as often as they shall think fit, and others in their stead to elect, nomi-

Trustees to appoint  
15 persons to have the  
care of fire engines,  
&c.



state and appoint, and also to make, establish and ordain, such rules, orders and regulations, for the government, conduct, duty and behaviour of such firemen, as to them shall appear necessary and proper.

VI. *And be it further enacted by the authority aforesaid*, That such persons as shall be elected and appointed firemen, and each and every of them, during the time such person or persons shall remain firemen, and no longer, shall, and hereby are declared to be freed and exempted from serving in the office of constable and overseer of the highways, and of and from serving as jurors, and of and from serving in the militia, except in cases of invasion or other imminent danger.

VII. And whereas it hath been represented to the legislature, that the seventh section of the act, entitled, *† An act for erecting a town, by the name of Middletown, and to alter the bounds of the town of Rochester and Woodstock, in the county of Ulster, and for erecting a town, by the name of Easton, and to alter the bounds of the towns of Schenectady and Ballstown, in the county of Albany, and for other purposes therein mentioned, is by experience, found to be injurious to the interest of the township of Schenectady. Therefore, Be it further enacted by the*

*Penalty inflicted on  
per sons for walling the  
wood in the commons  
of Schenectady.*

*authority aforesaid*, That every person, who shall at any time hereafter, cut or otherwise destroy, or carry away from, and out of the common lands of the town of Schenectady, any hickory, oak, maple, beech or ash trees, growing thereon, of a less size than six inches diameter at the stump, shall forfeit and pay the sum of five shillings for every such offence; and that every person who shall, at any time hereafter, in any of the said common lands, cut down any tree, with intent to make staves thereof, or shall cut down any tree, and shall not carry away every part of such tree fit for fuel, excepting all kinds of pine trees, and such as may be applied to building and fencing, and opening of roads, every person so offending, shall, for every such offence, forfeit and pay the sum of twenty shillings: And that the said seventh section of the aforesaid recited act, is hereby repealed.

## C H A P. LL

*An ACT to explain and amend the Law concerning the Proving of Wills respecting Real Estates.*

Passed 5th April, 1790.

WHEREAS doubts have arisen whether any will or codicil, when one or more of the witnesses to the same are either dead, or do not reside within this state, can be proved and recorded according to the act, entitled, *† An act for the relief of creditors against heirs, devisees, executors and administrators, and for proving wills respecting real estates; Therefore,*

*I. Be it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That when any witness or witnesses to any last will and testament, or codicil, shall be examined in any court, according to the said act, and it shall appear to the same court that the other witness or witnesses are either dead, or do not reside within this state; then and in every such case, the same court shall and may receive and take in open court, such proof of the hand writing of the testator, or of the witness or witnesses so dead or absent, or of such other cir-

· VII. And whereas it is represented to the legislature, that by the original deed of partition, the said lot was the property of Ann Watts, wife of the said John Watts, and did on her decease, in the year one thousand seven hundred and seventy-five, descend to Robert Watts, her eldest son, and heir at law, who hath now the legal right to the same : Therefore,

*Be it further enacted by the authority aforesaid,* That the attorney-general of this state be, and he is hereby authorised and directed to examine into the claim of the said Robert Watts ; and if it shall appear that the said Robert Watts hath a good title to the said lot of land, then the attorney-general may, and he is hereby authorised and directed to treat with the said Robert Watts, for the release and extinguishment of his claim and right to the said premises, and the treasurer of the state is directed, upon the certificate of the said attorney-general, to pay to the said Robert Watts, such sum of money, as shall, between them for that purpose, be agreed on. Provided the same shall not exceed the said sum of two hundred and ten pounds.

## C H A P. LV.

*An ACT to explain the Law concerning the Limitation of Criminal Prosecutions, and for other Purposes.*

Passed 6th April, 1790.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,*

† 11th sess. ch. 43.

That the fourteenth section of the act, entitled, † An act for the limitation of criminal prosecutions and suits at law, shall not extend to any suit, information or indictment which shall be commenced or exhibited against any person, for any crime or misdemeanor, unless such person shall have been an inhabitant of or usually resided within some part of this state, exclusive of the district called Vermont, for and during three years at the least after the time such crime or misdemeanor shall have been done or committed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the treasurer to let on loan, to John Carpenter, of Goshen, in Orange county, a sum not exceeding five hundred pounds, upon receiving such deposit or security from the said John Carpenter as he shall judge sufficient for securing the payment of the said five hundred pounds, to be paid in three years from the date of such loan, with the interest thereon at five per cent. per annum.

III. And whereas Nathan Smith, of Ulster county, did, in the year one thousand seven hundred and seventy-seven, deliver sixty-eight barrels of flour, for the use of the American army at Fort Montgomery, amounting to the sum of one hundred and seventy pounds, for which flour (by means of the loss of the said fort, and of the commissary who purchased the said flour deserting to the enemy, being the same person as mentioned in the resolution of congress of the seventh of January, one thousand seven hundred and seventy-eight) the said Nathan Smith has been prevented from obtaining the proper vouchers ; Therefore,

*Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the treasurer of the state to advance to the said Nathan Smith, out of any monies in the treasury not otherwise appropriated, the sum of one hundred and seventy pounds, on account of the said flour so delivered ; and that the treasurer charge the same to the United States ; and it

is hereby made the duty of the auditor to procure such evidence of the delivery of the said flour, and of any other matter or thing relating thereto, which may be necessary to support the said charge against the United States : Provided always, That in case the United States shall not allow the said charge on settlement with this state, the said Nathan Smith shall be liable to repay the monies so as aforesaid paid to him by the treasurer.

V. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the treasurer of this state, and he is hereby directed to issue to the administrator or administrators to the estate of Philip Henning, deceased, a certificate for the sum of forty-four pounds fourteen shillings, bearing interest at the rate of five per cent. from the eleventh day of June, one thousand seven hundred and seventy-seven, in full for so much money paid into the treasury of this state by the commissioners of sequestration for the county of Dutchess, being the produce of certain personal estate of the said Philip Henning, sold by the said commissioners.

C H A P. LVI.

*An ACT for the Encouragement of a Manufactory of Earthen Ware, by a Loan of Money to the Proprietor thereof.*

Passed 6th April, 1790.

**W**HEREAS Abraham Wilton, by his petition presented to this legislature doth set forth, that he hath established a manufactory of white and cream coloured earthen ware, in the prosecution of which he hath already expended considerable sums of money; and that in order to render the said manufactory extensively useful, it will be requisite to provide an additional stock of materials, and procure workmen from Europe, which the said petitioner is unable to effect without the aid of the legislature, by a loan of money for this purpose.

And whereas the establishment of useful manufactories, is closely connected with the public weal, and this legislature being desirous to encourage the same, hath acceded to the prayer of the said petition ; Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same,* That the treasurer of this state is hereby authorized and directed,

Treasurer to loan  
\$500. to Abraham  
Wilton, for the use of  
such manufactory. out of any monies that may be in the treasury after the passing of this act, to advance on loan to the same Abraham Wilton, the sum of fifteen hundred pounds. Provided, That the said Abraham Wilton, shall, at the same time, enter into bond to the said treasurer, conditioned for the faithful payment of the said sum of fifteen hundred pounds, in three years from the date of the said obligation, together with one year's interest for the same, at the rate of five per cent. and that the said Abraham Wilton, shall also duly execute to the said treasurer, a good and sufficient mortgage upon such real estate as the said treasurer shall think sufficient for securing the said money, with the interest on the same; as aforesaid ; which said mortgage, the treasurer is hereby directed to get duly recorded, and to hold the same for the use of the people of this state.

C H A P. LVII.

*See 14 sess. ch. 8. An ACT to regulate Sales on Execution.*

Passed 6th April, 1790.

**W**HEREAS lands and tenements, goods and chattels, within this state, are liable to sale on executions, and are frequently exposed and

sold by sheriffs, without proper public notice of such sale, by reason whereof, collusions between sheriffs and purchasers sometimes happen, and such lands and tenements, goods and chattels, are often sold at a very small sum, in proportion to their value, to the great detriment of the proprietors ; For the remedy whereof,

*I. Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That*

No lands to be sold on execution, after the first of August, 1799, but at certain hours of the day, and after being publicly advertised.

from and after the first day of August next, no lands or tenements, goods or chattels, within this state, shall be sold by virtue of any writ of fieri facias, or other writ of execution, issuing out of the supreme court, or any court of common pleas within this state, unless such sale be at public vendue, and between the hour of nine in the morning, and the setting of the sun in the same day ; the time and place, of holding whereof, shall have been previously advertised publicly, for the space of six weeks successively, by nailing up a printed or written notice thereof, in at least three of the most public places within the town where such lands or tenements, goods or chattels, shall be sold ; and also, by causing a similar notice thereof to be printed in one of the public news-papers, if any such paper there be, within the county wherein such lands and tenements, goods and chattels shall be sold.

*II. And be it further enacted by the authority aforesaid,* That if any sheriff shall sell any lands, or tenements, goods or chattels, by virtue of any such writ, otherwise than in the manner by this act prescribed, or without such previous notice ; or if any person shall take down or deface any such notice previous to the day therein specified for the sale of such lands or tenements, goods or chattels, unless upon satisfaction of the judgment on which such execution issued, the sheriff, so offending, shall, for every such offence, forfeit and pay the sum of five hundred pounds ; and every person so offending, by taking down or defacing such notice, shall forfeit and pay the sum of fifteen pounds, to be respectively recovered, with costs of suit, by any person who will sue for the same ; which sum or sums, when recovered, shall be for the use of the person so prosecuting for the same ; and that no such offence shall be deemed to affect the validity of any such sale.

*III. And be it further enacted by the authority aforesaid,* That it shall not be lawful for any sheriff, or other officer, to whom any such execution shall be directed, or any of their deputies, or any person for them or either of them, to purchase any goods or chattels, lands or tenements, at any such sale ; and all purchases so made by them, or any of them, or for the use of them, or any or either of them, shall be absolutely void.

Sheriff and their deputies not to purchase any lands sold on execution.

## C H A P. LVIII

*An ACT respecting the Court of Exchequer, as to Fines on Jurors and Officers of Courts, and for the better Recovery of Debts due to the State.*

† 1st sess. ch. 12.

Passed 6th April, 1790.

**W**HEREAS by an act, entitled, † An act to organize the government of this state, the chancellor was authorized and required forthwith to cause a seal to be devised and made,

and it was thereby declared that all commissions, writs, and other proceedings, should in future issue under the said seal, to be devised and made, as and for the seal of the said court.

And whereas the keeping of the said seal in one part of this state, causes great inconvenience, expence and delay, to the citizens who reside at a great distance therefrom, and who require the sealing of such commissions, writs, processes and other proceedings; Therefore,

I. *Be it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same,* That it

Chancellor to cause another seal to be devised for the court of exchequer, and deposited where he shall judge most convenient.

shall and may be lawful to and for the chancellor, and he is hereby authorized and required forthwith, to cause an additional seal to be devised and made for the said court, and to cause the same to be deposited in such place as he shall judge most convenient, and all commissions, writs, processes, and other proceedings issued under such seal, shall be equally valid, as if the same had issued under the present seal of the said court.

II. *And be it further enabled by the authority aforesaid,* That the said chancellor shall deliver to the secretary of this state, a description in writing of the seal, which description, the said secretary shall record and deposit in his said office, there to remain as a public record of this state.

III. And whereas the court of exchequer is not authorized by law to give relief in cases of fines, upon equitable and good causes shewn; Therefore,

*Be it further enabled by the authority aforesaid,* That in all cases where any fine or fines, upon any juror or any officer of any court, for any default of attending at any court, shall be estreated into the court of exchequer, and a petition shall

Court of Exchequer may give relief in cases of fines on jurors, and officers of courts, &c.

be presented for relief, it shall and may be lawful to and for the said court, to hear and determine all matters concerning the same, and upon good and sufficient cause shewn to the said court, to remit any such fine or fines, or any part thereof, according to equity and justice, in the same manner as in cases of estreated recognizances; any law to the contrary notwithstanding.

IV. *And be it further enabled by the authority aforesaid,*

Attorney-general to sue for and recover all debts due to the state, in the name of the people thereof or in the name of the treasurer;

And Treasurer and auditor to notify him of all debts due to the state.

That it shall and may be lawful for the attorney-general of this state, for the time being, and he is hereby required to sue for, and recover in the name of the people of the state of New-York, or in the name of the treasurer of the state of New-York, all debts and sums of money due, or to become due to the people of the state of New-York, in any manner whatsoever, and to pay the same unto the treasurer of this state, for the use of the people thereof: And the treasurer and auditor of this state, are hereby respectively directed to give notice to the attorney-general, from time to time, of all debts and sums of money due to this state, and to furnish him with such evidence relating to the same, as may be in their power or knowledge; and that in all such suits brought in the name of the people of the state of New-York, it shall be sufficient to declare generally, that the defendant is indebted to the people of the state of New-York, in the sum demanded, and that the particular grounds of such demand, and the special matter may be given in evidence upon such declaration, and that in any such action any part of the sum so declared for, as the evidence may warrant, may be recovered.

Attorney-general to prosecute all these persons and others, who neglect their duty, with respect to collection of taxes.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the attorney-general of this state, for the time being, and he is hereby directed to prosecute in the name of the people of the state of New-York, or in the name of the treasurer of the state of New-York, every sheriff, supervisor and other officer, who hath refused or neglected, or shall refuse or neglect to do his duty, respecting any tax imposed since the first day of January, one thousand seven hundred and eighty-four, or hereafter to be imposed by the legislature, or any arrears thereof, or respecting any warrant issued or to be issued by the treasurer of this state, or by any county treasurer relating to any such tax, or any arrears thereof.

## C H A P. LIX.

*An ACT to carry into Effect the concurrent Resolutions and Acts of the Legislature, for granting certain Lands promised to be given as Bounty Lands, and for other Purposes therein mentioned.*

Passed 6th April, 1790.

† 12th Feb. ch. 44.

WHEREAS by the third clause of the act, entitled, † An act to appropriate the lands set apart to the use of the troops of the line of this state, lately serving in the army of the United States, and for other purposes therein mentioned, the commissioners of the land-office are prohibited from granting letters patent, to the persons who are entitled to grants of bounty and gratuity lands, until after the first day of January, one thousand seven hundred and ninety one. And whereas such delay in granting the said letters patent, may be injurious to the settlement of the said lands: For remedy whereof,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That the

Commissioners of the land-office to advertise, requesting all persons interested to file their claims before a certain day, and immediately thereafter to proceed to issue the patents.

commissioners of the land-office, shall, and may, by advertisement, to be published in one or more of the public newspapers published in the city of New-York, whereof the news-paper printed by the printer for this state, shall be one, and in one of the news-papers printed in the city of Albany, for six weeks successively, to require all persons entitled to lands by virtue of the concurrent resolutions of the senate and assembly, of the twenty-seventh day of March, one thousand, seven hundred and eighty-three, and by the eleventh clause of an act, entitled, An act for granting certain lands promised to be given as bounty lands, by the laws of this state, and for other purposes therein mentioned, passed the eleventh day of May, one thousand seven hundred and eighty-four, who have not already exhibited their claims, to exhibit the same to the said commissioners, on or before the first day of July next, and shall immediately thereafter, proceed to examine the claims of every person who may apply for letters patent, in pursuance of the said concurrent resolutions, and the said eleventh clause of the act last aforesaid; and as soon as they shall have determined that such person is entitled, they shall cause letters patent to issue for the share of such person.

II. And whereas the survey of the said tract of land, so set apart for the troops aforesaid, has not been completed: *Be it therefore*

Surveyor general to cause the boundaries to

*enacted by the authority aforesaid,* That it shall be the duty

the run of such townships as are not already finished.

of the surveyor-general, to direct, and cause the out lines to be run and marked, of all those, and such townships in the said tract, the survey of the out lines whereof is yet unfinished. And in order the better to enable him to complete the same, the treasurer is hereby directed and required to pay to the surveyor-general, a sum not exceeding five hundred pounds:

III. And to encourage a speedy settlement, and prevent inconveniences that may arise among the claimants, for the want of a proper regular subdivision of the said townships into lots: *Be it further enabled by the authority aforesaid,*

Surveyor-general to cause each town to be subdivided into 100 lots of 600 acres each, and the treasurer to pay him 40s. for that purpose.

That it shall also be the duty of the surveyor-general, to cause each of the said townships to be subdivided into one hundred lots, each lot to contain six hundred acres, and to enable him to supply provisions, and other necessities, to carry the same into effect, the treasurer is hereby further directed and required, to pay to the said surveyor-general, the further sum of four hundred pounds, which said sum shall be repaid into the treasury, in the following manner; that is to say, it shall be the duty of the secretary of the state, to charge, over and above the fees already established on each lot, the sum of eight shillings, to be by him collected and paid into the treasury, to the full amount of the sum so to be advanced as last aforesaid; and the residue shall be paid to the surveyor-general, to be by him applied for the discharge of the wages that shall become due to the surveyors and chain-bearers, for their services. And in order to make ample provision for the full discharge of the wages that may remain due to the said surveyors and other persons employed in the aforesaid service:

IV. *Be it further enabled by the authority aforesaid,* That the quantity of fifty acres, in one of the corners of the respective lots to be so laid out, shall be, and are hereby subjected to the payment of the further sum of forty-eight shillings, to the surveyor-general, as a compensation, in full, for his services and expences in marking, numbering and surveying each of the said lots. And in every case where the said sum of forty-eight shillings, or any part thereof, shall remain unpaid for the term of two years next after the issuing of the respective patents, it shall, and is hereby made the duty of the surveyor-general, and he is hereby authorized and required, to sell the parts so subjected, at public vendue, after giving six weeks notice thereof, in one or more of the public news-papers printed in this state; and the money arising therefrom, shall be, by him, applied to the discharge of the principal and interest of the debts due to the surveyors, chain-bearers, and such other necessary expences as may accrue in the discharge of the business aforesaid: And in consequence of such sale, the purchaser shall be vested with the fee of the lands so to be sold as aforesaid, by a deed from the surveyor-general, and the overplus of the money, if any, that shall remain in the hands of the surveyor-general, shall be paid into the treasury of the state, to be applied hereafter, by law, towards laying out and making roads in the tract aforesaid.

V. *And be it enabled by the authority aforesaid,* That the letters patent mentioned and directed to be issued, by the eighth clause of the act herein first recited, shall issue in the names of the persons who have actually served in the line of the army of the United States, as designated in the said concurrent resolutions, and the eleventh clause of the said act, passed the eleventh day of May, 1784, granting the same to such persons respectively, and to their respective heirs and assigns forever: And the lands so to be granted, in and by the said letters patent,

In whose names the patents are to issue.

shall be deemed, considered, and adjudged to have vested in the respective grantees, and their heirs and assigns respectively, on the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-three : And all grants, bargains, sales, devisees, and other dispositions made by any of the said grantees, or their heirs or assigns, of the said land so to be granted to them respectively, or any part thereof, between the said twenty-seventh day of March, in the year last aforesaid, and the date of such letters patent respectively, shall be as good and effectual, as if the said letters patent had been granted on the said twenty-seventh day of March, in the year last aforesaid.

VI. *And be it further enacted by the authority aforesaid,* That instead of the balloting directed to be performed in and by the third and fifth clauses of the act herein first recited, the same shall be done and performed in manner following : The said commissioners, after having determined how many townships will contain lands sufficient to satisfy the claims of all such persons who are entitled to bounty and gratuity lands by the said concurrent resolutions, and by the eleventh clause of the said act, passed the eleventh day of May, one thousand seven hundred and eighty-four, and shall have numbered the same, from number one progressively, the said commissioners shall then cause one hundred ballots or tickets to be made and numbered, from number one to one hundred, and marked also with the words, township number one, and shall also cause a like number of ballots or tickets to be made and numbered, and marked for township number two, and so on, until ballots or tickets in like manner are made, numbered and marked, as aforesaid, for each of the townships set apart for satisfying the said bounties or gratuities, and after having caused the said ballots or tickets to be rolled up, shall then cause the whole of the said ballots or tickets to be put into a box, and whenever they shall have determined that any particular person applying for bounty and gratuity lands as aforesaid, is entitled to the same, they shall cause one ballot or ticket to be drawn out of the said box, or as many ballots or tickets to be drawn out, as such person applying shall be entitled to shares of six hundred acres, and the lots in each township so drawn, shall be the separate and distinct share of such person, or of his heirs or assigns, and whenever the number of ninety-four ballots or tickets shall be drawn in any one township, the remaining six lots shall be considered and taken as reserved for the purposes expressed in the sixth clause of the act herein first recited, and whenever any of such remaining six lots shall be drawn, the said commissioners shall cause another ballot or ticket to be drawn, and so on until a lot shall be drawn, which shall not be one of the six lots reserved in each township as aforesaid, and the said commissioners shall proceed on in like manner, on the application of every person who shall appear to be entitled to the bounty and gratuity aforesaid, until the whole claims of such persons, or their heirs or assigns, who shall be so entitled as aforesaid, shall be satisfied ; and in case the number of townships first set apart by the said commissioners, shall prove insufficient to satisfy such claims, the said commissioners, shall and may, from time to time, proceed to set apart such other and further township or townships, or part thereof, as shall be sufficient to satisfy such claims.

If too small a quantity should in the first instance be set apart for the troops, commissioners may encrease it.

Where persons have received their bounty from congress, two acres of each lot to be reserved for the use of the states.

VII. *And be it further enacted by the authority aforesaid,* That whenever it shall appear to the said commissioners, that any person applying for bounty and gratuity lands as aforesaid, shall have received from the United States, the bounty of land promised to such person by congress, or in



case the said commissioners shall not be able to procure the assignment of such land, mentioned in the fourth clause of the act herein first recited, that then the said commissioners, having determined that such person is entitled as aforesaid, shall cause letters patent to issue to such person, for the bounty and gratuity lands as aforesaid, reserving however in and by the said letters patent, one hundred acres in each lot, to which such person shall be so entitled, to the people of this state, designating particularly in which part of such lot, such reserved part shall be taken.

VIII. *And be it further enacted by the authority aforesaid,* That the secretary of this state, instead of the fees allowed him in and by the eighth clause of the act herein first recited, shall be allowed for his services in preparing the letters patent and keeping the minutes of the said commissioners, the sum of sixteen shillings for each and every of the letters patent, to be issued for any quantity of land not exceeding six hundred acres, and the further sum of one shilling for every hundred acres more contained in any such letters patent in pursuance of the said acts. And for his services in preparing every letters patent for the quantity of six hundred acres of land or under, and keeping the minutes of the commissioners aforesaid, the sum of sixteen shillings, any law to the contrary notwithstanding.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the land office to receive and examine claims from the officers and soldiers who were returned as the quota of this state; and those who received the depreciation of their pay from this state, shall be entitled to the gratuity and bounty lands in like manner as in and by this act is granted to the officers and soldiers of the line of this state, lately serving in the army of the United States.

Relative to certain Canadian refugees, who have not been provided for with lands.

X. And whereas it appears to the legislature, by a report of the commissioners of the land office, that the lands set apart for the Canadian and Nova-Scotia refugees are all appropriated. And whereas it further appears to the legislature, by the petitions of captain Joseph Delezenne, lieutenant Elijah Bill, Lewis Soso and Francis Osley, refugees from Canada and Nova-Scotia, that they were not included in the return; and it appearing reasonable that provision should be made for them; *Be it further enacted by the authority aforesaid,* That the commissioners of the land office be, and they are hereby directed to grant to captain Joseph Delezenne, lieutenant Elijah Bill, Lewis Soso and Francis Osley, refugees as aforesaid, the proportion of land they would have been entitled to by any former law of this state, if they had applied within the time limited by the said law, out of any lands set apart for the troops of the line of this state, lately serving in the army of the United States.

XI. And whereas by a proviso subjoined to the eleventh section of the act herein first recited, the time limited for making the locations in and by the said section authorized, is one year after the passing of the said act, which period hath elapsed, and it is deemed necessary to revive and extend the same; Therefore, *Be it enacted by the authority aforesaid,* That the time in which such locations may be made, be, and the same is hereby revived, and extended to the first day of March next.

XII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the surveyor-general, by agreement with the proprietors of the land ceded to the state of Massachusetts by this state, to run out and settle the eastern boundaries of the said land.

## LAWS OF THE STATE OF NEW-YORK,

Passed in the Fourteenth Session of the Legislature, held  
in the City of New-York.

## C H A P. I.

*An ACT further to continue the Treasurer of this State in Office.*

Passed 18th January, 1791.

I. **B**E it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same, That Gerard Bancker shall be, and hereby is continued in office, as treasurer of this state, until sixty days after the rising of the legislature, at their next meeting after the first Monday in July, which will be in the year of our Lord one thousand seven hundred and ninety-two.

II. *And be it further enabled by the authority aforesaid,* That the said Gerard Bancker, if he shall take upon him the execution of the said office, shall, on or before the first day of April next, appear before one of the judges of the supreme court of this state, and take the following oath, viz.

“ I, Gerard Bancker, appointed treasurer of this state, do solemnly and sincerely swear and declare, in the presence of Almighty God, that I will, during my continuance therein, well, faithfully and honestly, to the best of my knowledge and ability, execute the office of treasurer of this state; and that I will not, on any occasion or pretence, apply any money or securities, which shall or may come to my hands, as belonging to this state, to any private uses or purposes whatsoever; and that when my accounts as treasurer shall be examined, in manner directed by law, I will exhibit an account of such securities under this my oath of office. So help me God.”

III. *And be it further enabled by the authority aforesaid,* That the speaker of the assembly, for the time being, shall take a bond from the above named Gerard Bancker, on or before the first day of April next, with not less than four sufficient sureties to the people of this state, in the sum of twenty thousand pounds, lawful money of this state, with a condition that the said Gerard Bancker shall and will, well, faithfully and honestly execute and perform the duties of the said office; which bond, when so taken, shall be lodged in the secretary's office of this state.

IV. *And be it further enabled by the authority aforesaid,* That if the said Gerard Bancker shall, upon the expiration of the time for which by this act he is continued in office, procure and lodge in the office of the secretary of this state, a certificate duly executed by the committee to be appointed for the settlement of the accounts of the said Gerard Bancker, expressing, that his accounts as treasurer are regularly stated and balanced; and also, that the balance of monies and securities belonging to the state, if any there be, are actually in the treasury; such certificate, when lodged in the office of secretary of the state as aforesaid, shall be, to all intents and purposes, a discharge of the bond directed by this act to be given by the treasurer, with sureties for the faithful performance of the duties of his office as aforesaid.

C H A P. IV.

*An ACT for apportioning the Representation in the Legislature, according to the Rule prescribed by the Constitution, and for dividing the County of Albany.* Passed 7th February, 1791.

**W**HEREAS by the census of the electors and inhabitants of this state, lately taken by order of the legislature, it appears that alterations in some of the districts and counties, and in the number of the representatives chosen therein, are necessary to be made; Therefore,

*I. Be it enacted by the people of the state of New-York, represented in senate and assembly, and is hereby enacted by the authority of the same,* That the

*Towns of Cambridge and Easton, in Albany county, annexed to Washington county.*

*Part of Albany county erected into new counties, by the names of Rensselaer and Saratoga.*

towns of Cambridge and Easton, in the county of Albany, shall be and hereby are annexed to, and shall hereafter be considered as part of the county of Washington, and that all that part of the residue of the said county of Albany, which is on the east side of a line drawn through the middle of the main stream of Hudson's river, with such variation as to include the islands lying nearest to the east bank thereof, shall be one separate and distinct county, and be called and known by the name of Rensselaer. And that all that part of the said county of Albany which is bounded easterly by the west bounds of the said county of Rensselaer and the county of Washington, southerly by the middle of the most northerly branch of the Mohawk river, and the middle of the said river and the town of Schenectady, westerly by the county of Montgomery, and northerly by the county of Washington, shall be one separate and distinct county, and be called and known by the name of Saratoga, and that the residue of the said county of Albany shall

*The residue of Albany county erected into a separate county and to bear its old name.*

*Bounds of several of the towns in said counties extended.*

continue and remain one separate and distinct county, and be called and known by the name of Albany. And the bounds of the several towns in the said respective counties adjacent to and limited by the Hudson's river and Mohawk river, are hereby extended to and limited by the bounds of the said respective counties herein described: Provided nevertheless, That the rights and privileges heretofore granted to the corporation of the city of Albany by charter, shall not be in any wise affected or abridged. And the freeholders and inhabitants of the said several counties, shall have and enjoy within the same respectively, all and every the same rights, powers, and privileges, as the freeholders and inhabitants of any other county in this state are by law entitled to have and enjoy.

*Inhabitants of the aforesaid counties to have the same rights as other counties in this state.*

*Courts of common pleas and general sessions of the peace in Rensselaer and Saratoga.*

*II. And be it further enacted by the authority aforesaid,* That there shall be held in and for each of the said counties of Rensselaer and Saratoga respectively, a court of common pleas, and a court of general sessions of the peace, at such suitable and convenient place within each of the same counties respectively, as such judges of the court of common pleas, and such justices of the peace as shall be appointed for each of the same counties respectively, or a majority of them, shall respectively appoint; and that there shall be two terms of the same courts in each of the same counties respectively, in every year, to commence and end on the following days, that is to say; The first term of the courts of common pleas and general sessions of the peace in and for the said county of Rensselaer, shall begin on the first Tuesday of May, and may continue to be held until the Saturday following inclusive; and the second term of the same courts in the same county of

Rensselaer shall begin on the second Tuesday of November, and may continue to be held until the Saturday following inclusive. And the first term of the courts of common pleas and general sessions of the peace, in and for the said county of Saratoga shall begin on the second Tuesday of May, and may continue to be held until the Saturday following inclusive; and the second term of the same courts in the same county of Saratoga, shall begin on the third Tuesday of November, and may continue to be held until the Saturday following inclusive. And the said courts of common pleas and general sessions of the peace, shall have the same jurisdiction, powers and authorities in the same counties respectively, as the courts of common pleas and general sessions in the other counties of this state have in their respective counties.

*III. And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for all courts and officers in the said counties of Rensselaer and Saratoga respectively, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Albany, until gaols shall be provided in the same counties respectively. Provided nevertheless, That nothing in this act contained, shall be construed to effect any suit or action already commenced, or that shall be commenced before the third Tuesday of May next; so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings, on the part of the people of this state; but all such civil and criminal proceedings shall and may be proceeded to trial, judgment and execution, as if this act had never been passed.

*IV. And be it further enacted by the authority aforesaid,* That this state shall be, and is hereby divided, into four great districts. The Southern District, to comprehend the city and county of New-York; and the counties of Suffolk, Queens, Kings, Richmond and Westchester: The Middle District, to comprehend the counties of Dutchess, Ulster and Orange. The Western District, to comprehend the city and county of Albany, and the counties of Saratoga, Montgomery and Ontario, and the Eastern District, to comprehend the counties of Columbia, Rensselaer, Washington and Clinton. And that the number of senators to be chosen in the said Districts, shall be as follows: In the Southern District eight, in the Middle District six, in the Western District five, and in the Eastern District five.

*Number of senators to be chosen in each district.*

And that John Williams, Alexander Webster, Edward Savage and Peter Van Ness, shall be considered as senators from the said Eastern District, and as they respectively go out of office, senators shall be chosen in the said Eastern District in their places respectively, and at the next annual election, another senator shall be chosen in the said Eastern District, in the room of Samuel Townsend, deceased. And Stephen Van Rensselaer, Peter Schuyler, Volckert P. Douw, Leonard Gansevoort and Jellis Ponda, shall be considered as senators from the said Western District, and as they respectively go out of office, senators shall be chosen in the said Western District in their places respectively. And that no person shall be chosen in the Southern District, in the room of the said Samuel Townsend, deceased; And the clerk of the senate is hereby directed to give notices of the elections accordingly.

*V. And be it further enacted by the authority aforesaid,* That the number of members of the assembly, to be chosen in each county of this state, shall be as follows: In the city and county of New-York eleven; in Suffolk county four;

*The number of members of assembly to be chosen in each county.*

in Queens county three; in Kings county one; in Richmond county one; in Westchester county five; in Dutchess county seven; in Ulster county five; in Orange county three; in Columbia county six; in the county of Rensselaer five; in the county of Washington four; in the city and county of Albany seven; in the county of Saratoga four; in the county of Montgomery seven, and in the county of Ontario one.

VI. *And be it further enacted by the authority aforesaid,* That until further legislative provision be made in the premises, it shall be lawful for the freeholders and inhabitants of the county of Clinton, entitled to vote for members of assembly, to join their votes with those to be given in the county of Washington; and the clerk of the county of Clinton, shall upon receiving the ballots given at any election for members of assembly, transmit the same to the clerk of the county of Washington; and the same shall be canvassed and estimated together with and by the same persons, who shall canvass and estimate the votes taken at the same election in the county of Washington.

## C H A P. V.

§ 14th sess. ch. 15. *An ACT to amend an Act, entitled, 'An Act for regulating Elections.'*

Passed 10th February, 1791.

**W**HEREAS the mode for determining when at any election a senator is to be chosen in the room of one dead or removed from office, which of the persons chosen for senator at such election, is elected in the room of the person deceased or removed from office, prescribed in and by the act entitled, An act for regulating elections, is found to be productive of ill-conveniences; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That when a senator is to be chosen at any election in the room of one dead or removed from office, it shall not be necessary for any elector to designate on his ballot, who he votes for as senator in the room of the person deceased or removed from office; and it is hereby declared,

The person having the greatest number of votes to be considered as elected for the longest time.

ed, that the person who has the greatest number of votes for a senator at any election for senators, shall be considered as elected for the longest time, and so on until each vacancy is filled, without regarding any designation, or the order of placing the names of the persons voted for, upon any of the ballots taken at such election.

II. *And be it further enacted by the authority aforesaid,* That if in any case two or more ballots or tickets shall be found folded or rolled up together, none of the ballots so folded or rolled up together shall be estimated.

When two ballots are rolled together neither of them to be counted.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the inspectors of any election for governor, lieutenant-governor, representatives to congress, senators or members of assembly, to hold the poll at such place or places, in any town or city within this state, as to them may appear most convenient for the electors, they inserting in the notices to be given of such election, the places where, and the times when such elections are to be held.

C H A P. VI.

*An ACT to abolish the January Term of the Courts of Common Pleas and General Sessions of the Peace, in and for Richmond County.*

Passed 10th February, 1791.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That from and after the fourth Monday of September next, the January term of the courts of common pleas and general sessions of the peace, in and for Richmond county, shall be, and hereby is abolished; and that at the end of the term of the courts of common pleas and general sessions of the peace, to be held in and for Richmond county, on the fourth Monday in September in every year hereafter, or as soon as the due administration of justice will admit in each September term, the said courts shall be adjourned to the first Monday in May then next.

C H A P. VII.

18th sess. ch. 39. *An ACT to amend an Act, entitled, ‡ An Act for the Partition of Lands.*

Passed 10th February, 1791.

**I.** **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for commissioners who have been, or hereafter shall be appointed by virtue of the act aforesaid, or a major part of them, to make and subscribe a notice in writing to a judge or judges as required in and by the third section thereof; and that on failure of the attendance of such judge or judges so notified, it shall and may be lawful for some other judge or judges, either of the supreme court, or court of common pleas for the county where the greatest part of the land lieth, not interested in the division, to see the balloting justly and impartially performed; and that a majority of the commissioners and a judge attending, and performing the balloting aforesaid, in manner directed by the said act, shall be as effectual in law, as though the judge or judges first notified, had attended.

**II.** *And be it further enacted by the authority aforesaid, That the sixth section of the said act shall be, and hereby is extended as well to improvements made after the passing of the said act, as to improvements theretofore made.*

C H A P. VIII.

17th sess. ch. 57. *An ACT to repeal the Act, entitled, ‡ An Act for regulating Sales on Execution so far as respects Goods and Chattels, and providing for the Payment of Advertisements on Sales of Real Estates.*

Passed 10th February, 1791.

**I.** **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That such parts of the act entitled, An act to regulate sales on execution, as relate to advertisements on sales of goods and chattels shall be, and the same are hereby repealed.

**II.** *And be it further enacted by the authority aforesaid, That each and every sheriff in this state, shall be entitled to receive on every sale of lands and tenements made by him in pursuance of the act aforesaid, in addition to his*

poundage, the sum of fifteen shillings, as a compensation for advertising, and to recover the same in like manner with his poundage; And that whenever the execution on which such advertisements are made is settled, previous to the day of sale, and after the advertisements have been duly made, the sheriff shall be entitled to receive seven shillings and six-pence, as a compensation therefor, and to recover the same as aforesaid; Provided nevertheless, That no further sum shall be recovered for continuing the advertisement after six weeks.

## CHAPTER IX.

### *An ACT for the Preservation of Heath-Hens, and other Game.*

Passed 15th February, 1791.

**BE** it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That if any person or persons shall kill any heath-hen within the county of Suffolk or Queens, or shall kill any partridge, quail or woodcock, within the county of Queens or Kings, or within the city and county of New-York, within the times herein after mentioned; That is to say, with respect to heath-hens, partridge and quail, between the first day of April and the fifth day of October, and with respect to woodcock, between the twentieth day of February and the first day of July, in any year after the passing of this act (including nevertheless the present year) every such person or persons shall for every such offence, forfeit and pay the following sums, that is to say; for every heath-hen or partridge so killed, the sum of twenty shillings, and for every quail or woodcock so killed as aforesaid, the sum of five shillings, to be recovered with costs of suit, by any person or persons who shall sue for the same, before any justice of the peace, in either of the said counties, who is hereby authorised and directed to hear and determine the same; the one half of which forfeiture, when recovered, shall be paid to the person or persons who shall sue for the same, and the other half to the overseers of the poor where the conviction shall be had; And if any heath-hen, partridge, quail or woodcock so killed as aforesaid, shall be found in the possession of any person or persons, such person or persons shall be deemed guilty of the offence and suffer the penalty aforesaid. Provided always, That no person or persons shall be convicted upon this act, unless the suit shall be commenced within three months after the offence committed.

II. *And be it further enacted by the authority aforesaid,* That all former acts and laws concerning heath-hens, shall be, and hereby are repealed.

## CHAPTER X.

### *An ACT for dividing the County of Montgomery.*

Passed 16th February, 1791.

**BE** it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all that tract of land in the county of Montgomery, beginning at the eighty-two mile stone, in the line between this state and the commonwealth of Pennsylvania, and running from thence due north until the north-west corner of the township number twenty-one, in the military tract,

A certain tract of land herein described in the county of Montgomery, erected into a separate county, by the name of Rensselaer.

bears east, then east crossing the Seneca Lake to the Cayuga Lake, then easterly to the north-west corner of township number twenty-three, in the military tract aforesaid, then east along the north bounds of the said township number twenty-three, and the north bounds of the townships number twenty-four and twenty-five, and so continuing the same course to the west bounds of the twenty townships lately laid out for sale by this state, then along the same twenty townships north, to the north-west corner of the township number twelve in the said twenty townships, then east to the Unadilla River, then down the middle of the westerly stream of the same river to its junction with the Susquehannah River, then southerly along the line commonly called the line of property to the Delaware River, then down the Delaware River to the beginning of the said partition line, between this state and the commonwealth of Pennsylvania, and then along the same partition line to the place of beginning, shall be, and hereby is erected into a separate county, and shall be called and known by the name of Tioga.

*II. And be it further enacted by the authority aforesaid,* That all that tract of land to the northward of the said county of Tioga, and west of the Seneca Lake and the military lands, shall be, and is hereby annexed to the county of Ontario.

*III. And be it further enacted by the authority aforesaid,* That all that tract of land in the said county of Montgomery, beginning at the southwest corner of the town of Mohawk, and running thence westerly to the southeast corner of a tract of land formerly granted to William Cosby, and then westerly along the same, and along a tract of land formerly granted to Frederick Morris, and a tract of land formerly granted to John Lyne, to the southwest corner thereof, then westerly to the northeast corner of a tract of land formerly granted to John Groesbeck, called Springfield, then along the north bounds thereof and the same line continued to the town of German Flatts, then southerly along the east bounds of the town of German Flatts to the southerly bounds of a tract of land formerly granted to Theobald Young, then along the southerly bounds thereof northwesterly to a tract of land formerly granted to William Bayard and others, called the Free Masons Patent, then southerly and westerly along the same to the Unadilla river, then down the same river and along the said county of Tioga to the Delaware river to the county of Ulster, and then northerly along the counties of Ulster and Albany to the place of beginning, shall be, and hereby is erected into a separate county, and shall be called and known by the name of Otsego.

*IV. And be it further enacted by the authority aforesaid,* That all that part of the said county of Montgomery, beginning at the southeast corner of the town of Mohawk, and running from thence along the southerly bounds thereof and along the northerly bounds of the said county of Otsego to the town of German Flatts, then northerly along the town of German Flatts and the town of Herkimer, to a tract of land called Jersey Field, then along the same southeasterly and northeasterly to the easterly corner thereof, then due east to the county of Saratoga, and then southerly along the counties of Saratoga and Albany to the place of beginning, shall continue and remain a separate county, and be called and known by the name of Montgomery.

*V. And be it further enacted by the authority aforesaid,* That all that tract of land, bounded westerly by the county



erected into a county by the name of Herkemer.

of Ontario, northerly by the north bounds of this state, easterly by the counties of Clinton, Washington and Saratoga, and southerly by the counties of Montgomery, Otsego and Tioga, shall be, and hereby is erected into a separate county, and shall be called and known by the name of Herkemer.

*VI. And be it further enacted by the authority aforesaid,* That all that part of the town of Canajoharie which is included in the said county of Otsego, shall be; and hereby is erected into a town by the name of Cherry-Valley; and the first town meeting in the said town of Cherry-Valley, shall be held at the house of Benjamin Griffin.

*VII. And be it further enacted by the authority aforesaid,* That all that part of the town of German Flatts, which is included in the said county of Otsego, shall be; and hereby is annexed to the town of Otsego, in the same county.

*VIII. And be it further enacted by the authority aforesaid,* That all those parts of the towns of Palatine and Caughnawaga, which are included in the said county of Herkemer, shall be, and hereby are annexed to the town of Herkemer, in the same county.

*IX. And be it further enacted by the authority aforesaid,* That all that part of the said county of Tioga, laying westward of the Cayuta creek and the township number twenty-two in the military tract, shall be, and hereby is erected into a town by the name of Chemung; and the first town-meeting in the same town shall be held at the house of George Homwell. And that all that part of the said county of Tioga, bounded southerly by Pennsylvania, westerly by the town of Chemung as last limited, northerly by the north bounds of the same county of Tioga, and easterly by township number twenty-four in the military tract; and the Owego river, and a line running from the mouth thereof south to the Pennsylvania line, shall be, and hereby is erected into a town by the name of Owego; and the first town-meeting in the same town shall be held at the house of Samuel Ransom. And that all that part of the said county of Tioga, bounded southerly by Pennsylvania, westerly by the said town of Owego, northerly by the north bounds of the said county of Tioga, and easterly by the rivers Chenango and Susquehanna, shall be, and hereby is erected into a town by the name of Union; and the first town-meeting in the same town shall be held at the house of Nehemiah Spalding. And that all that part of the said county of Tioga, bounded southerly by the tract of land called Chenango, and the tract of land called Warren, westerly by the said town of Union, northerly by the north bounds of the said county of Tioga, and easterly by the county of Otsego, shall be, and hereby is erected into a town by the name of Jerico; and the first town-meeting in the same town, shall be held at the house of William Guthrie. And that all the remaining part of the said county of Tioga, bounded southerly by Pennsylvania, westerly by the said town of Union, northerly by the said town of Jerico, and easterly by the counties of Otsego and Ulster, shall be, and hereby is erected into a town by the name of Chenango; and the first town-meeting in the same town shall be held at the house of Benjamin Bird.

*X. And be it further enacted by the authority aforesaid,* That the freeholders and inhabitants of the several towns erected by this act, shall be, and here-

by are empowered to hold town-meetings, and elect such town-officers as the freeholders and inhabitants of any town in this state may do by law : And that the freeholders and inhabitants of the said several towns, and the town-officers to be by them elected, respectively, shall have the like powers and privileges as the freeholders, inhabitants and town-officers of any other town in this state.

*XL. And be it further enabled by the authority aforesaid,* That there shall be held in and for each of the said counties of Otsego, Tioga and Herkemer, respectively, a court of common pleas and a court of general sessions of the peace ; and that there shall be two terms of the same courts in each of the said counties respectively in every year, to commence and end as follows, that is to say : The first term of the said courts in the said county of Otsego, shall begin on the third Tuesday of June, and may continue to be held until the Saturday following, inclusive ; and the second term of the same courts in the said county of Otsego, shall begin on the second Tuesday of January, and may continue to be held until the Saturday following, inclusive ; and that the first term of the said courts in the said county of Herkemer, shall begin on the first Tuesday of June, and may continue to be held until the Saturday following, inclusive ; and the second term of the said courts in the said county of Herkemer, shall begin on the third Tuesday of January, and may continue to be held until the Saturday following, inclusive ; and that the first term of the said courts in the said county of Tioga, shall begin on the fourth Tuesday of June, and may continue to be held until the Saturday following, inclusive ; and the second term of the said courts in the said county of Tioga, shall begin on the fourth Tuesday of January, and may continue to be held until the Saturday following, inclusive : And the said courts of common pleas and general sessions of the peace, shall have the same jurisdiction, powers and authorities, in the same counties respectively, as the courts of common pleas and general sessions of the peace, in the other counties of this state have in their respective counties. Provided always, That nothing in this act contained shall be construed to affect any suit or action already commenced, or that shall be commenced before the first Tuesday of June next, so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this state ; but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution, as if this act had never been passed.

*XII. And be it further enabled by the authority aforesaid,* That until other legislative provision be made in the premises, the said courts of common pleas and general sessions of the peace in the county of Tioga, shall be held at the house of George Hornwell, in Chemung ; and that the said courts of common pleas and general sessions of the peace in the said county of Otsego, shall be held at the house of William Ellison, in the town of Otsego ; and that the said courts of common pleas and general sessions of the peace in the said county of Herkemer, shall be held at the church, in the town of Herkemer.

*XIII. And be it further enabled by the authority aforesaid,* That the freeholders and inhabitants of the said several counties hereby erected, shall have and enjoy, within the same respectively, all and every the same rights, powers and privileges, as the freeholders and inhabitants of any other county in this state, are, by law, entitled to have and enjoy.

*XIV. And be it further enabled by the authority aforesaid,* That it shall and may be lawful for all courts and officers of the said several counties of

**Otsego, Tioga, and Herkemer, respectively, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Montgomery, until gaols shall be provided in the same counties respectively.**

**XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the freeholders and inhabitants of each of the said counties of Otsego, Tioga and Herkemer, respectively, to build and erect a court-house and gaol in the same respectively, at such place as the judges and justices to be appointed for the same county, and the supervisors of the towns therein, or the major part of the same judges, justices and supervisors may direct and appoint:**

**XVI. And whereas, by the act entitled, An act for apportioning the representation in the legislature, according to the rule prescribed by the constitution, and for dividing the county of Albany, passed in the present session of the legislature, it is provided that the number of members of the assembly to be chosen in the then county of Montgomery, should be seven. And whereas, In consequence of a division of the same county, by this act, it is necessary that there should be an apportionment of the said representation among the counties hereby erected; Therefore, be it further enacted by the authority aforesaid, That there shall be chosen in the county of Montgomery, as limited by this act, four members of the assembly, and no more; in the said county of Otsego, one; in the said county of Herkemer, one; and in the said county of Tioga, one; any thing in any former law to the contrary notwithstanding.**

**XVII. And be it further enacted by the authority aforesaid, That it shall not be the duty of the justice of the supreme court, to hold a circuit court once in every year, in either of the said counties of Otsego, Tioga, or Herkemer, unless in their judgment they shall deem it proper and necessary; any law to the contrary notwithstanding:**

**XVIII. And be it further enacted by the authority aforesaid, That the said counties of Otsego, Tioga, and Herkemer, shall remain and be considered as a part of the western district of this state:**

## C H A P. XII.

§ 10th sess. ch. 89. *An ACT to explain and amend an Act, entitled, ‡ An Act for the more speedy Recovery of Debts to the Value of Ten Pounds.*

Passed 21st February, 1791.

**W**HEREAS in and by the twentieth section of the act, entitled, An act for the more speedy recovery of debts to the value of ten pounds, it is enacted, That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, for the time being, by commission under the great seal, from time to time, to constitute and appoint such and so many proper persons, in the city and county of New-York, as they may think necessary, to hear, try, and determine causes in the said city and county, by virtue of the said act, by the name of assistant justices; and each and every of the persons so constituted and appointed, are thereby vested with the like, and the same power and authority in the same city and county, with respect to hearing, trying, and determining causes of the value of ten pounds, and under, as are given to, or vested in the justices of the peace in the several counties of this state, by virtue of the said act.

That from and after the passing of this act, all that part of the county of Westchester, commonly known by the name of the town of Morrisania, shall be annexed to, and considered as part of the town of Westchester; any law to the contrary notwithstanding. Provided, That all arrears of taxes that shall be due, and unpaid by the town of Morrisania, at the time of passing this act, and all cost that has accrued in consequence of such arrears, shall be assessed on, and collected from the freeholders and inhabitants of that part of the town of Westchester, which, before the passing of this act, was called Morrisania.

## C H A P. XVI.

*An ACT for the Relief of the Creditors of this State.*

Passed 23d February, 1791.

Reciting that it is essential to the creditors of this state, to subscribe to the continental loans.

**W**HEREAS the provision for the debts of the respective states, by the congress of the United States, renders it essential to the interest of this state, that its creditors should subscribe to the loan proposed by congress, and justice requires, that a full compensation be made by this state to the said creditors for any injury they may sustain thereby; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it be proposed to the creditors of this state, to subscribe to the loan proposed by the congress of the United States, by an act of the said congress, entitled, An act making provision for the debt of the United States. And it is hereby declared that this state will receive from the said creditors who shall subscribe to the said loan, all certificates bearing an interest of six per cent. after the year eighteen hundred, which the said creditors shall become entitled to by such subscription, and in exchange for the same, there shall be paid by this state, to the said respective creditors, a compensation in stock created under the said act of congress, bearing an immediate interest of six per cent. to the full amount of the principal sums mentioned in such certificates.

State to receive from the said creditors all certificates bearing interest after the year 1800.

II. And in order to establish a fund for making the said payments to the subscribing creditors, *Be it further enacted by the authority aforesaid,* That the treasurer of this state shall subscribe to the said loan under the act of congress aforesaid, in his own name, all the continental paper now in the treasury of this state, and deposit the certificates he shall receive for the same from the continental commissioner, in the treasury of this state.

Treasurer to subscribe to the loan of congress in his own name all the continental paper in the treasury.

III. *And be it further enacted by the authority aforesaid,* That when any creditor or creditors of this state, who shall subscribe to the said loan, shall produce to the said treasurer any certificate granted by the said commissioner, bearing an interest of six per cent. after the year eighteen hundred, and shall assign and transfer the said certificates and the stock mentioned therein to the said treasurer in due form of law, it shall be lawful for the said treasurer, and he is hereby directed, after the first day of January next, to transfer to such creditor or creditors in exchange for the same, so much of the stock he shall hold as treasurer for this state, bearing an immediate interest of six per cent. as shall amount to the principal sums mentioned in such certificates.

and entered in the said clerk's book, the same shall remain to such person and his family for improvement, and shall enable such person to maintain an action for any trespass which may be committed by any white person or persons, on the lands so laid out to him or her for improvement, in any court having cognizance of the same.

VI. *And be it further enacted by the authority aforesaid,* That the said trustees so to be chosen by and with the consent of the mayor of the city of Albany, for the time being, shall have liberty to lease out to any person or persons, such quantity of the undivided lands in Brother-Town or New-Stockbridge (and not laid out for improvement as aforesaid) as a majority of the votes at the said meeting shall agree on, not exceeding six hundred and forty acres, for any term, not exceeding twenty-one years, for the use of the inhabitants of Brother-Town and New-Stockbridge, the rents reserved, to be applied by the said trustees and their successors, for the maintaining a minister and free-school, for the instruction of Indians, which said leases shall be recorded in the clerk's book.

VII. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors are hereby authorized and empowered, to bring actions for any trespass, committed by any white person, on any of the undivided lands in Brother-Town or New-Stockbridge, and not laid out for improvement, or leased for the use of a minister and school as aforesaid.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, on complaint of any Indian, against another Indian or Indians (of a trespass, debt, or other matter or thing, cognizable before a justice of the peace) to them, the said trustees, for the said trustees, by an order, directed to the said marshal, to cause the parties to come before them with their witnesses, at such time and place as they shall appoint, and after hearing the parties and their witnesses, shall give such judgment as to them shall be deemed just and equitable: Provided, the judgment in no one cause, shall exceed twenty shillings, and shall enter the same judgment in the clerk's book.

IX. *And be it further enacted by the authority aforesaid,* That if such judgment shall not be satisfied in forty days after the same is given, the said trustees shall order the said marshal to levy the amount thereof on the goods of the person against whom the judgment shall be so obtained, to be delivered to the person in whose favour the judgment was given, the said goods first to be appraised by the said trustees, and the overplus, if any, after satisfying such judgment, to be returned to the person from whom they were taken.

X. *And be it further enacted by the authority aforesaid,* That any two of the said trustees shall be a quorum, to transact any business enjoined on them by this act.

XI. *And be it further enacted by the authority aforesaid,*  
 † 13th sect. ch. 29. That the act, entitled, † An act more effectually to protect certain tribes of Indians, residing within this state, from frauds, passed 22d March, 1790, be, and the same is hereby extended to the Indians residing in Brother-Town, and the Indians called the Stockbridge Indians.

C H A P. XV.

*An ACT to annex the Town of Morrisania to the Town of Westchester.*  
 Passed 22d February, 1791.

**B**E it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

That from and after the passing of this act, all that part of the county of Westchester, commonly known by the name of the town of Morrisania, shall be annexed to, and considered as part of the town of Westchester; any law to the contrary notwithstanding. Provided, That all arrears of taxes that shall be due, and unpaid by the town of Morrisania, at the time of passing this act, and all cost that has accrued in consequence of such arrears, shall be assessed on, and collected from the freeholders and inhabitants of that part of the town of Westchester, which, before the passing of this act, was called Morrisania.

## C H A P. XVI.

*An ACT for the Relief of the Creditors of this State.*

Passed 23d February, 1791.

Reciting that it is essential to the creditors of this state, to subscribe to the continental loans,

**W**HEREAS the provision for the debts of the respective states, by the congress of the United States, renders it essential to the interest of this state, that its creditors should subscribe to the loan proposed by congress, and justice requires, that a full compensation be made by this state to the said creditors for any injury they may sustain thereby; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it be proposed to the creditors of this state, to subscribe to the loan proposed by the congress of the United States, by an act of the said congress, entitled, An act making provision for the debt of the United States. And it is hereby

declared that this state will receive from the said creditors who shall subscribe to the said loan, all certificates bearing an interest of six per cent. after the year eighteen hundred, which the said creditors shall become entitled to by such subscription, and in exchange for the same, there shall be paid by this state, to the said respective creditors, a compensation in stock created under the said act of congress, bearing an immediate interest of six per cent. to the full amount of the principal sums mentioned in such certificates.

II. And in order to establish a fund for making the said payments to the subscribing creditors, *Be it further enacted by the authority aforesaid,* That the treasurer of this state shall subscribe to the said loan under the act of congress aforesaid, in his own name, all the continental paper now in the treasury of this state, and deposit the certificates he shall receive for the same from the continental commissioner, in the treasury of this state.

III. *And be it further enacted by the authority aforesaid,* That when any creditor or creditors of this state, who shall subscribe to the said loan, shall produce to the said treasurer any certificate granted by the said commissioner, bearing an interest of six per cent. after the year eighteen hundred, and shall assign and transfer the said certificates and the stock mentioned therein to the said treasurer in due form of law, it shall be lawful for the said treasurer, and he is hereby directed, after the first day of January next, to transfer to such creditor or creditors in exchange for the same, so much of the stock he shall hold as treasurer for this state, bearing an immediate interest of six per cent. as shall amount to the principal sums mentioned in such certificates.

Provided always, That the said treasurer shall make no such transfer until he be satisfied that the certificates so produced by any creditor shall have been received from the said commissioner on loans subscribed in certificates issued by this state.

IV. And whereas certain certificates were issued by the treasurer of this state, in pursuance of an act, entitled, An act for the speedy sale of the confiscated and forfeited estates within this state, and for other purposes therein mentioned, bearing an interest of six per cent. per annum, and which by the same act are made receivable in payment of all future state taxes equal with gold or silver. And whereas, It is not only just but expedient, that all such certificates should be immediately taken out of circulation: Therefore, *Be it further enacted by the authority aforesaid*, That the treasurer of this state shall also receive all such certificates issued in pursuance of the said act which shall be offered to him, and in lieu thereof transfer to the bearer thereof a sum equal to the full amount of the money due on the same in the stock created under the aforesaid act of congress, bearing an immediate interest of six per cent. in full discharge of such last described certificates.

V. *And be it further enacted by the authority aforesaid*, That the said treasurer shall hold the stock he shall so subscribe, and all such stock as shall be transferred to him by the creditors of this state as aforesaid, in trust for this state, and shall from time to time receive the interest to become due on all such stock as he may hold in trust for this state for the use of this state, and shall also from time to time dispose of, manage and apply the said stock in such manner as the legislature of this state shall direct.

VI. And whereas some of the creditors of this state may be possessed of certificates, which may not be received on loan by the United States; and there may be a greater sum subscribed by the creditors of this state, than the amount of the debts of this state, assumed by the United States; and it being just and reasonable, that all the creditors of this state should have equal, equal justice dispensed to them: Therefore, *Be it further enacted by the authority aforesaid*, That every creditor of this state, who may be possessed of any certificates of this state, which being tendered, shall not be received on loan by the United States; or if a sum to a greater amount than one million and two hundred thousand dollars, shall be subscribed on loan by the creditors of this state in certificates issued by this state; then and in either of those cases, the said treasurer of this state is hereby directed, after the first day of January next, to discharge such certificates and surplusses, by a transfer of stock created by the aforesaid act of congress, so that the state creditors may have a capital or provision, equal to that herein before provided, that is to say, two-thirds of the amount of their demands in stock, bearing an interest of six per cent, and the remaining third in stock, bearing an interest of three per cent.

C H A P. XVIII.

An ACT for altering the Wards in the City of New-York.

Passed 28th Februry, 1791.

WHEREAS some of the wards in the city of New-York, are large and populous, and others are very small, and the bounds of some of them are difficult, if not impossible to be ascertained, so that alterations therein are become necessary; Therefore,

of record in the same court; and a rule shall thereupon be made by the said court, that the parties shall submit to, and finally be concluded by the arbitration, or umpirage, which shall be made concerning them, by the arbitrators or umpire, pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party refusing or neglecting to perform and execute the same, or any part thereof, shall be subject to all the penalties of contemning a rule of court, when he is a suitor or defendant in such court, and the court on motion, shall issue process accordingly, which process shall not be stopped or delayed in its execution, by any order, rule, command, or process of any other court, either of law or equity, unless it shall be made appear on oath to such court, that the arbitrators or umpire misbehaved themselves, and that such award, arbitration or umpirage, was procured by corruption or other undue means.

II. *And be it further enacted by the authority aforesaid,* That any arbitration or umpirage, procured by corruption or undue means, shall be judged and esteemed void, and of none effect, and accordingly be set aside by any court of law or equity, so as complaint of such corruption or undue practice, be made in the court where the rule is made for submission, to such arbitration or umpirage, before the last day of the next term, after such arbitration or umpirage made and published to the parties.

# C H A P. XXV.

*An ACT for altering the Times of holding the Courts in the Counties of Westchester, Columbia and Clinton, and for reviving the Mayor's Court of the City of Hudson.*

Passed 8th March, 1791.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

Courts of common pleas and general sessions in Westchester, when, where, and how long to be held.

That the courts of common pleas and general sessions of the peace, in and for the county of Westchester, instead of the times now prescribed by law for holding the same courts, shall hereafter be holden as follows, that is to say: The said courts of common pleas, in and for the said county of Westchester, shall be held on the fourth Mondays of May, September and January, in every year; and shall be held alternately, at the court-house at Bedford, and at the court-house at the White-Plains, and may be continued until the several Saturdays next following, inclusive; but no issue of fact shall be tried by a jury, in any of the said terms of January: And that the courts of general sessions of the peace, in and for the said county of Westchester, shall be held on the fourth Mondays of May and September, in every year, at the place where the court of common pleas shall be then holden; and may continue to be held until the end of that term of the same court of common pleas; any law to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That from and after the first day of June next, the courts of common pleas and general sessions of the peace, in and for the said county of Columbia, instead of the times now prescribed by law, for holding the same courts, shall be held on the last Mondays of May, October and January, in every year, at the court-house in the town of Claverack; and the terms of the same courts which commence on the last Mondays of May and October in every year, may

Courts of common pleas and general sessions in Columbia, when, where, and how long to be held.



be held and continued until the several Saturdays next following inclusive : and the term of the same courts which is to commence on the last Monday of January in every year, may be held, and continued every day, except Sunday, until Thursday, in the next week inclusive ; and the courts of common pleas and general sessions of the peace, to be held in and for the county of Columbia, on the second Tuesday of May next, shall, at the end of the term, be adjourned unto the last Monday of October next.

III. And whereas, the courts of common pleas and general sessions of the peace, in and for the county of Clinton, are by law to be held on the third Tuesday of April, and fourth Tuesday in October in every year, which terms are found to be inconvenient : Therefore, *Be it further enacted by the authority aforesaid*, That from and after the first day of June next, instead of the fourth Tuesday of October, and third Tuesday of April, the said courts of common pleas and general sessions of the peace, in and for the county of Clinton, shall be held on the first Tuesdays of October and May, in every year, and may be held until the Saturdays next following, inclusive ; and the courts of common pleas and general sessions of the peace, to be held in and for the said county of Clinton, on the third Tuesday of April next, shall at the end of the term, be adjourned to the first Tuesday of October next.

Terms of the courts in any of the aforesaid counties may be adjourned at any time in said terms.

IV. *And be it further enacted by the authority aforesaid*, That either of the said courts of common pleas and general sessions of the peace, in either of the said counties, may at any time, in any term, be adjourned until the next term of the same court, when the business will permit.

Mayor's court in the city of Hudson.

V. And whereas, by the act entitled, An act for incorporating the inhabitants residing within the limits therein mentioned, the mayor, recorder and aldermen of the city of Hudson, or any three of them, whereof the mayor or recorder should always be one, were authorized to hold on the first Tuesday in every month, one court of common pleas, of record, within the said city, to be called the mayor's court. And whereas, by occasion of the absence of the mayor and recorder, the said court was not held on the first Tuesday of February, in the present year, by reason whereof all the proceedings then depending in the said court are discontinued, and the right of holding such court is supposed to be lost : Therefore, *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the mayor, recorder and aldermen of the said city, or any three of them, whereof the mayor or recorder shall be one, to hold such court according to the directions of the said act, on the first Tuesday of May next, and on the first Tuesday in every month thereafter, in the same manner, as if the said court had been regularly held according to the said act, and adjourned to the said first Tuesday of May next ; and all the process and proceedings depending in the said court on the said first Tuesday of February, in the present year, shall be, and hereby are revived and continued, unto the said first Tuesday in May next.

C H A P. XXVII.

17th sess. ch. 4.

*An ACT to amend an Act, entitled, ‡ An Act for the Regulation of Sales by Public Auction.*

Passed 8th March, 1791.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,  
Y Y

That the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, shall annually appoint so many persons within this state, to be vendue masters or auctioneers, as they shall judge proper; Provided always, That the number to be appointed in and for the city and county of New-York, shall not exceed twelve in any one year.

II. *And be it further enacted by the authority aforesaid,* That all licences heretofore given to any vendue master or auctioneer, shall, from and after the first day of May next, cease, and hereby are declared to be void and of none effect, and every person who shall act as a vendue master or auctioneer after the said first day of May next, in pursuance of such licence, shall be liable to the penalties in the said act mentioned, in like manner as if he had not obtained such licence.

III. *And be it further enacted by the authority aforesaid,* That no person hereafter to be appointed a vendue master or auctioneer, shall enter upon the execution of his office, until he shall have first entered into a recognizance as is directed in and by the said act.

IV. *And be it further enacted by the authority aforesaid,* That every vendue master or auctioneer heretofore licenced, shall, within twenty days after the said first day of May next, account for, and pay into the treasury of this state, the duties belonging to the people of this state, arising from the sale of goods, wares and merchandize, or effects by him made as vendue master or auctioneer, and not before accounted for.

V. *And be it further enacted by the authority aforesaid,* That all goods, wares, and merchandize or effects whatsoever, which shall or may at any time or times from and after the said first day of May next, be exposed to sale at public vendue, auction or out-cry within the city of New-York, by any person or persons duly qualified and licenced thereto, shall be exposed to sale at public vendue, auction or out-cry in open day, between sun-rise and sun-set; and that any person or persons who shall expose to sale any goods, wares, merchandize or effects, contrary to the true intent and meaning hereof, shall be deemed for such offence to have forfeited his or their licence, and be thereafter disqualified from acting as a vendue master or auctioneer. Provided always, That nothing herein contained shall extend to any public sale, vendue or auction to be had or made for the purpose of selling or disposing of any public securities or stock created under the acts of congress, or of any books or prints, except such books or prints as are prohibited by law.

VI. *And be it further enacted by the authority aforesaid,* That all monies which shall be paid into the treasury in pursuance of the said act, and this act, be, and hereby are appropriated for the support of the civil government of this state.

# C H A P. XXVIII.

*An ACT to prevent Obstructions to Docks and Wharves, in the City of New-York.*

Passed 10th March, 1791.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That from and after the first day of May next, if any master or commander, owner or owners of any ship or vessel, shall discharge or cause to be discharged from such ship or vessel, any ballast, consisting of earth, gravel, or stones, is-

to any dock, or upon any wharf within the city of New-York, without the consent of the owner or wharfinger, having charge of such dock or wharf, first obtained, such master, or commander, owner or owners, shall, for every such offence, forfeit and pay to such owner or wharfinger, having charge of such dock or wharf, the sum of twenty shillings, to be recovered before any court having cognizance of the same.

II. *And be it further enacted by the authority aforesaid,* That upon the neglect or refusal of any master or owner of any ship or vessel, to remove, or cause to be removed such ship or vessel, backwards or forwards at the same wharf, at the direction of any wharfinger, having the charge of such wharf, or of the owner thereof, such master or owner shall, for every such offence, forfeit and pay to the said wharfinger or owner of such wharf, the sum of five pounds, to be recovered with costs of suit, in manner aforesaid.

III. *And be it further enacted by the authority aforesaid,* That any master or commander, owner or owners, of any ship or vessel, having discharged any ballast of the description aforesaid, upon any wharf, without the consent of the owner or wharfinger, having charge of the said wharf, and shall neglect or refuse, after notice in writing, to remove the same; such master or commander, owner or owners, shall forfeit and pay daily, and every day, during such refusal or neglect, the same sum, as is by law chargeable for the wharfage of such ship or vessel, which discharged such ballast as aforesaid. Provided nevertheless, That no agent or agents, factor or factors, transacting for any person or persons residing out of, or absent from this state, shall be liable to the penalties imposed by this act, unless an account thereof be delivered to such agent or agents, factor or factors, or left at his or their usual place of abode, and the money demanded before the departure of such vessel from port, any thing herein contained to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid,* That any carpenter or other person, employed in repairing, sheathing, or graving any ship or vessel, being in any dock within the city aforesaid, who shall throw, or cause to be thrown into any such dock, any timber, sheathing, boards, or any other matter or thing whatsoever, tending to fill up and obstruct such dock, shall, for every such offence, forfeit and pay to the owner of such dock or wharfinger, having charge of the same, the sum of forty shillings, to be recovered in manner aforesaid.

## C H A P. XXIX.

\* 11th sess. ch. 92. *An ACT Supplementary to the Act, entitled, "An Act for giving Relief in Cases of Insolvency, and the Act, entitled, An Act for the Relief of Debtors with respect to the Imprisonment of their Persons."*

Passed 10th March, 1791.

**L** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That where it shall appear to the assignee or assignees of any insolvent debtor, who hath been, or shall be discharged under the act above-mentioned, that there hath been mutual credit given by the said insolvent, and any other person or persons, or that mutual debts subsisted between the said insolvent, and any other person or persons, before such insolvent presented his petition, praying the benefit of the act aforesaid, the assignee or assignees of such insolvent, shall state the account between them, and one debt may be set against

another, and what shall appear to be due on the balance of such account, and on setting such debts against one another, and no more, shall be claimed or paid on either side, respectively.

II. *And be it further enacted by the authority aforesaid,* That every person who now is or hereafter shall be confined in gaol on execution, and shall have remained in gaol the space of one year, shall be entitled to the benefit of the act, entitled, An act for the relief of debtors with respect to the imprisonment of their persons, although the sum or sums of money for which such person is or shall be charged in execution shall exceed the sum of two hundred pounds. Provided the same does not exceed the sum of one thousand pounds.

C H A P. XXXII.

*An ACT for vesting a certain Tract of Land in Trustees for the benefit of Peter Osequette.*

Passed 18th March, 1791.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the commissioners of the land-office shall as soon as conveniently may be, cause to be laid out and surveyed for Peter Osequette of the Wolf Tribe, of the Oneida Nation, a tract of one thousand acres of land, at such a place in the county of Herkemer, as they may find most suitable for the purpose, adjoining to or near the lands called the Oneida Reservation, and shall cause letters patent to be issued for such tract, granting the same to the secretary, the treasurer and the attorney-general of this state for the time being, and their successors in office forever; in trust to permit and suffer the said Peter Osequette, during his natural life, and the issue of his body during their respective natural lives, as long as there shall be any such issue remaining, to occupy, improve and enjoy for his and their own use and benefit, so much of the said tract, as the said trustees may, from time to time, think necessary for that purpose; and in trust from time to time to let out and lease to such person or persons, and upon such terms and conditions, and for such time, not exceeding twenty-one years, or three lives, as the said trustees may think proper, all such parts of the said tract of land as may at any time be unoccupied or unimproved by the said Peter Osequette or his issue, and to pay the rents thereof to the said Peter Osequette during his life, and after his death to pay the same to the issue of the body of the said Peter Osequette during their respective natural lives, equally to be divided among them, and for and upon no other use or trust whatsoever.

II. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said trustees at any time, to make any lease in reversion of any part of the said tract, and every such lease shall be void.

C H A P. XXXIII.

*An ACT for dividing the Towns therein mentioned.*

Passed 18th March, 1791.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That from and after the first Monday in April next, all that part of Stephen-Town, in Rensselaer county, erected into a part of the town of Stephen-town, in the county of Rens-

Part of Stephen-Town, in Rensselaer county, erected into a

town by the name of *Selaer*, which lies north of a line to be drawn east and west from the south bounds of Peter Seamon's farm, until it intersects the east and west bounds of the said town of Stephen-town, shall be, and is hereby erected into a distinct and separate town by the name of *Petersburgh*, and that the first town-meeting of the inhabitants of *Petersburgh*, shall be held at the house of *Hezekiah Coone*, in the said town; and that the next town-meeting of the inhabitants of the town of *Stephen-town*, shall be held at the dwelling-house now occupied by *Joshua Gardner*, in said town.

II. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in April next, all that part of the town of *Rensselaerwyck*, in the county of *Rensselaer*, which lies north of a line to be drawn from a point on the east bank of *Hudson's River*, sixteen miles distant from the south-west corner of the town of *Rensselaerwyck*, and running from thence east to the west bounds of the town of *Petersburgh*, shall be, and is hereby erected into a distinct and separate town by the name of *Troy*, and that the first town-meeting of the said town of *Troy* shall be held at the dwelling-house now occupied by *Stephen Ashley*, in the said town, and that the next town-meeting of the town of *Rensselaerwyck*, shall be held at the dwelling-house of *James M'Kown*, in the said town.

III. *And be it further enacted by the authority aforesaid,* That from and after the first day of April next, all that part of the town of *Watervliet*, in the county of *Albany*, which is bounded as follows: South, by the town of *Cockskake*; west, by the town of *Rensselaer-ville*; north, by the north bounds of *Coeyman's patent* of confirmation; and east, by the county of *Rensselaer*, shall be, and hereby is erected into a separate and distinct town, by the name of *Coeymans*; and the first town-meeting in the said town, shall be held at the present dwelling-house of *Anthony Egbertse*, in the said town.

IV. *And be it further enacted by the authority aforesaid,* That from and after the first day of April next, all that part of the town of *Haverstraw*, in the county of *Orange*, bounded westerly by a line beginning at the north-west corner of the land of *John M. Hogenkamp*, called his middle town lot, and running from thence north three degrees west, to the division line between the north and south moiety of the patent of *Kakiate*, and then along the same, east, to the line of division, between the east and west four hundred acre lots, of the said north moiety, and then along the last mentioned division line, and continuing the same to the line of division between the mountain lots, upon the top of the *Verdrietege-Hook* mountain, and northerly by the line running along the top of the said mountain, between the said mountain lots, to the east end thereof, and from thence to the head of the stream of water which runs from the *Long Clove* to *Hudson's River*, and then along the same stream of water to *Hudson's River*, easterly by *Hudson's River*, and southerly by *Orange-Town*, shall be, and hereby is erected into distinct and separate town, by the name of *Clark's-Town*; and the first town-meeting of the inhabitants of *Clark's-Town*, shall be held at the court-house at the *New City*, in the same town. And that all

that part of the said town of *Haverstraw*, bounded easterly by *Clark's-Town*, southerly by *New-Jersey*, westerly by *New-Cornwall*, and northerly by a line running from the

Part of the town of *Rensselaerwyck* erected into a town by the name of *Troy*.

Part of the town of *Watervliet* erected into a town by the name of *Coeymans*.

Part of the town of *Haverstraw* erected into a town by the name of *Clark's-Town*.

Part of said town of *Haverstraw* erected into a town, by the name of *New-Hampstead*.

north-west corner of Clark's-Town, along the south bounds of the lands of Francis Gurnie and Benjamin Coe, and along the north bounds of the land of Gabriel Concklin and Jonathan Seaman, and the same course continued to the bounds of New-Cornwall, shall be, and hereby is erected into a distinct and separate town, by the name of New-Hampstead; and the first town-meeting of the inhabitants of New-Hampstead, shall be held at the dwelling-house of Theunis Cuyper, in the same town; and that the residue of the said town of Haverstraw, shall remain and continue a distinct and separate town, by the name of Haverstraw, and the next town-meeting of the inhabitants of the same town, shall be held at the dwelling-house of David Burns, in the same town.

V. *And be it further enacted by the authority aforesaid,* That the freeholders and inhabitants of the several towns erected by this act, shall be, and hereby are empowered to hold town-meetings and elect such town officers as the freeholders and inhabitants of any town in this state may do by law: And that the freeholders and inhabitants of the said several towns, and the town officers to be by them respectively elected, shall have the like powers and privileges as the freeholders, inhabitants and town officers of any other town in this state, may exercise by law.

VI. *And be it further enacted by the authority aforesaid,* That the poor now belonging to the town of Haverstraw, prior to this division, and every person now entitled to a settlement therein, and who shall become poor, shall be supported and maintained at the joint expence of the towns of Haverstraw, Clark's-Town and New-Hampstead, in the same proportion, as the necessary and contingent charges of the county, shall, from time to time, be laid upon the said towns respectively.

VII. *And be it further enacted by the authority aforesaid,* That the contingent charges and expences of the several towns aforesaid, that have already arisen, or shall arise before the first day of April next, shall be assessed, levied and paid in manner and form as if this act had not passed.

VIII. *And further,* That all permits granted to any person or persons, to retail spirituous and strong liquors, or to keep an inn or tavern, in either of the said towns, before the first day of April next, agreeably to an act to lay a duty of excise on strong liquors, and for regulating inns and taverns, shall in no wise be injured or affected by the passing this act.

IX. *And be it further enacted by the authority aforesaid,* That the expence of running the division lines between the respective towns of Rensselaerwyck and Troy, and of Stephen-Town and Petersburg, shall be paid in equal moieties by each of the said towns.

X. *And be it further enacted by the authority aforesaid,* That as soon as may be convenient, after the first Tuesday of April next, the supervisors and overseers of the poor, for the towns of Stephen-Town and Petersburg, shall, by a notice to be given for that purpose, by the supervisor of the town of Stephen-Town, meet together and apportion the poor maintained by Stephen-Town, at the time of the division thereof, between the said two towns, in an equitable manner, and the said towns, respectively, shall thereafter maintain their respective poor.

XI. *And be it further enacted by the authority aforesaid,* That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor, for the towns of Rensselaerwyck and Troy, shall, by notice to be given for that purpose, by the supervisor of the town of Rensselaerwyck, meet together and apportion the poor maintained by the town of Rensselaerwyck.

laerwyck, at the time of the division thereof, between the said two towns, in an equitable manner; and the said towns, respectively, shall thereafter maintain their respective poor.

XII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the supervisors and overseers of the poor of Watervliet and Coeymans, for the time being, to divide the poor now maintained by the said towns between the same two towns, in such manner as they, or the major part of them, shall judge to be just and equitable; and each of the said towns shall thereafter support their own poor respectively.

C H A P. XXXV.

*An ACT for laying out and regulating certain Roads over the Esopus Low Lands, in the County of Ulster, and for ascertaining the Lines between the Towns of Goshen, Warwick and Minniskink, in the County of Orange.*

Passed 18th March, 1791.

**W**HEREAS many of the inhabitants of the town of Kingston, in the county of Ulster, have, by their petition, represented to the legislature, that it will be necessary to lay out a public road or roads, over the Esopus Low Lands, to the bridge lately erected over the Esopus creek, but that it would be highly inconvenient that the said road or roads should be of the breadth of four rods, as at present directed by law, by reason of the expense which would attend the same; Therefore,

*L Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the commissioners of high-

Commissioners of highways in Kingston to lay out a certain road across the Low Landstwo roads wide.

ways of the said town of Kingston, or the major part of them, to lay out such common road or roads, across the said Low Lands, as may be judged expedient, and that the breadth thereof from the place of leaving the main road from Kingston to Hurly, to the aforesaid bridge, and from the said bridge northerly over the said Low Lands, shall be two rods wide. Provided nevertheless, That the said commissioners or the major part of them, shall in all respects, except as is herein before mentioned, pursue and be governed by the directions and provisions of the act, entitled, *An act for the better laying out, regulating and keeping in repair, all common and public highways and private roads, in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany and Montgomery, passed the 4th of May, one thousand seven hundred and eighty-four.*

II. *And be it further enacted by the authority aforesaid,* That the said commissioners of the highways, or the major part of them, shall cause to be erected, and kept at the expense of the said town of Kingston, such swinging gates on said roads, as may be by them, or the major part of them, thought necessary or expedient, not exceeding three, and that any person or persons, who shall open and leave open the said swinging gates, or either of them, shall respectively be liable, for each offence, to the penalty of eight shillings, to be recovered, with costs of suit, before any justice of the peace in the said county of Ulster, and the monies therefrom arising, shall be applied towards the erecting or repairing such swinging gates, or to such other objects as the corporation of the said town of Kingston may deem meet.

Commissioners to cause swinging gates to be erected and kept on said roads.

III. And whereas, The towns of Gosken and Warwick are bounded westerly by the Walkill, and the town of Minniskink is bounded southerly by the same Kill, in the county aforesaid, whereby the said Kill is included in neither of the said towns; Therefore, *Be it further enabled by the authority aforesaid,* That the towns aforesaid, shall be, and they are hereby divided by the middle of the said Walkill; any thing in any law to the contrary notwithstanding.

Towns of Gosken and Warwick to be divided by the middle of Walkill.

C H A P. XXXVI.

*An ACT to divide the Town of North-Castle, in the County of Westchester.*  
Passed 18th March, 1791.

I. **B**E it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same,

North-Castle town divided, and one part called North-Castle, and the other New-Castle.

That from and after the first Monday of April next, all that part of the town of North-Castle, in the county of Westchester, that lies east and south of a line, drawn from the south-west corner of the town of Bedford, to the head of Brunx's River, where the same divides the town of Mount Pleasant, from the town of North-Castle, shall be one separate town, by the name of North-Castle; and the first town-meeting for the said town of North-Castle, shall be held at the dwelling-house of Harrison Palmer: And all the remaining part of the said town of North-Castle, that lies west and north of the aforesaid line, shall be one other separate town, by the name of New-Castle; And the first town-meeting for the town of New-Castle, shall be held at the dwelling-house of Hannah Legget: And the said town of North-Castle, and the said town of New-Castle, shall separately and severally, hold and enjoy, all the privileges and immunities that the town of North-Castle held and enjoyed, by any former law of this state, at, and immediately before the passing of this act.

II. *And be it further enabled by the authority aforesaid,* That the poor of the town of North-Castle, on the first Monday of April next, shall afterwards be divided by the town of North-Castle and the town of New-Castle, in such proportions as the overseers of the poor for the time being, of the said towns respectively, shall agree upon; and in case of disagreement of the said overseers, then, and in such proportions as the supervisors of the county, at their next annual meeting shall direct, any former law to the contrary notwithstanding.

C H A P. XXXVII.

*An ACT to incorporate the Stockholders of the Bank of New-York.*  
Passed 21st March, 1791.

**W**HEREAS Isaac Roosevelt and others, associated as a company, under the style of the president, directors, and company of the bank of New-York, by their petition presented to the legislature, have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution: Therefore,

*Be it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same,* That



*Said stockholders incorporated for 20 years, by the name of the president, directors, and company of the bank of New-York*

all such persons as now are, or hereafter shall be stockholders of the said bank, shall be, and hereby are ordained, constituted and declared to be, from time to time, and until the second Tuesday of May, which will be in the year one thousand eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of the president, directors and company of the bank of New-York; and that by that

*And they and their successors for that time to have continual succession, and be capable of suing and being sued in all actions whatsoever.*

name, they and their successors, until the said second Tuesday of May, one thousand eight hundred and eleven, shall and may have continual succession; and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever: And that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name of the president, directors and company of the bank of New-York; shall be in law, capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation.

*Each share in said bank, to be good dollars, and the whole amount of shares not to exceed 1800: and the whole amount of stock and other property, not to exceed one million of dollars.*

II. *And be it further enacted by the authority aforesaid,* That a share in the stock of the said bank, shall be five hundred Spanish milled dollars, or the equivalent thereof in specie; and the number of shares shall not exceed one thousand eight hundred, exclusive of any shares that may be subscribed on the part of this state, and subscriptions shall be kept open under the direction of the president and directors of the said bank, until the said number of shares shall be filled, and the whole amount of the stock, estate, and property which the said corporation shall be authorized to hold, including the capital, stock or shares above mentioned, shall never exceed in value one million of dollars.

*Stock, and affairs of the bank to be managed by thirteen directors, one of whom to be president, all to be chosen yearly, on a certain day.*

III. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by thirteen directors, one of whom to be the president, who shall hold their offices for one year, which directors shall be stockholders, and shall be citizens of this state, and be elected on the second Tuesday of May in every year, at such time of the day, and at such place in the city of New-York, as a majority of the directors, for the time being, shall appoint; and public notice shall be given by the said directors, in two of the news-papers printed in the said city, of such time and place, not more than twenty, nor less than ten days previous to the time of holding the said election; and the said election shall be held and made, by such of the said stockholders of the said bank, as shall attend for that purpose, in their own proper persons, or by proxy; and all elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election, shall be the directors, except as is herein after directed. And if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than thirteen shall, by plurality of votes, appear to be chosen as directors, then the said stockholders herein before authorized to hold such election, shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes, shall be the director or di-

directors, so as to compleat the whole number of thirteen; and the said directors as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be their president; and four of the directors which shall be chosen at any year, excepting the president, shall be ineligible to the office of director for one year, after the expiration of the time for which they shall be chosen directors. And in case a greater number than eight of the directors, exclusive of the president, who served for the last year, shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest votes, shall be considered as void, and such other of the stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, and who are hereby declared ineligible as aforesaid. And the president, for the time being, shall always be eligible to the office of director, but stockholders not residing within this state shall be ineligible, and if any director shall remove out of this state

Vacancies which may happen, how to be filled.

his office shall be considered as vacant: And if any vacancy or vacancies should at any time happen among the directors by death, resignation or removal from this state, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections, at such time and place in the city of New-York, as the remainder of the directors for the time being, or the major part of them, shall appoint. And the first directors shall be Isaac Roosevelt, William Maxwell, Thomas Randall, Daniel McCormick, Nicholas Low, William Constable, Joshua Waddington, Samuel Franklin, Comfort Sands, Robert Bowne, Gulian Verplanck, John Murray and William Edgar, and shall hold their offices respectively, until the second Tuesday of May next.

If an election for directors should not be held on any appointed day, corporation not to be dissolved for that cause.

IV. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen, that an election of directors should not be made on any day, when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved, but that it shall and may be lawful, on any other day, to hold and make an election of directors, in such manner, as shall have been regulated by the laws and ordinances of the said corporation.

Stockholders entitled to a greater or lesser number of votes by proportion to their shares, and may vote by proxy.

V. *And be it further enacted by the authority aforesaid,* That each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least three months prior to the time of voting according to the following ratios, that is to say; at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten: Stockholders actually resident within the United States and none other, may vote in elections by proxy.

Directors, half yearly to make a dividend of the profits.

VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank, as to them, or a majority of them shall appear advisable; and that once in every three years, and oftener, if thereunto required, by a majority of the votes of the stockholders, to be given agreeably to the ratios herein before established, they shall lay before the stockholders, at a general meeting, for their infor-

an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of twelve months, or such other term as may be determined by the directors, and of the surplus of profits, if any, after deducting losses and dividends.

**VII. And be it further enacted by the authority aforesaid,** That the directors for the time being, or a major part of them, shall have power to make and prescribe, such bye-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of the officers, clerks, and servants employed therein, and touching the election of directors, and all such other matters as appertain to the business of a bank; and shall also have power to appoint so many officers, clerks, and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet. Provided, That such bye-laws, rules and regulations, be not repugnant to the constitution and laws of the United States, or of this state.

**VIII. And be it further enacted by the authority aforesaid,** That this state shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole, the number of one hundred, at any time, when they shall by law, authorise any person or persons for that purpose, and the state shall have a right to increase the number of shares and stock, which the said corporation may hold, to the amount of the sum to be subscribed, if the number of shares herein before limited shall be subscribed before such subscription shall take place, on the part of the state.

**IX. And be it further enacted by the authority aforesaid,** That the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the monies then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed, and actually paid into the bank; and in case of such excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; but this shall not be construed to exempt the said corporation, or any estate real or personal, which they may hold as a body corporate, from being also liable for, and chargeable with the said excess; but such of the said directors, who may have been absent when the said excess was contracted, or who may have dissented from the resolution or act, whereby the same was so contracted, may respectively exonerate themselves from being so liable, by giving immediate notice of the fact, and of their absence or dissent, to the mayor or recorder of the city of New-York, and to the stockholders, at a general meeting, which they shall have power to call for that purpose: And further, It shall not be lawful for the said corporation to emit any notes, or contract debts, which shall be payable in the bills of credit, emitted by the laws of this state.

**X. And be it further enacted by the authority aforesaid,** That the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business, or such as shall have been bona fide mortgaged to it, by way of security, or conveyed to it in satis-

faction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts: And farther, The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock, created under any act of the congress of the United States, or of any particular state, unless in selling the same, when truly pledged to it by way of security, for debts due to the said corporation.

Bank not to trade in any kind of merchandize, or buy any stock.

No transfer of bank stock valid until registered.

XI. *And be it further enabled by the authority aforesaid,* That no transfer of the stock of the said corporation shall be valid or effectual in law, until such transfer shall be entered or registered in a book or books, to be kept for that purpose by the directors.

Bank bills obligatory and of credit, assignable by endorsement.

XII. *And be it further enabled by the authority aforesaid,* That the bills obligatory, and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes, which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

This act of incorporation not to be forfeited for any non user before a certain day.

XIII. *And be it further enabled by the authority aforesaid,* That this present act of incorporation shall in no wise be forfeited by any non user whatever, at any time before the second Tuesday in May next, and that it shall, on that day, be lawful for the stockholders above-mentioned, to assemble for the purposes of carrying into effect the same; any want of notice in the manner above prescribed, to the contrary, in any wise notwithstanding.

XIV. *And be it further enabled by the authority aforesaid,* That this act be, and is hereby declared to be a public act, and that the same be, for the time herein before limited, construed in all courts and places, benignly and favorably, for every beneficial purpose therein intended.

# C H A P. XXXVIII.

*An ACT extending the Law for the Partition of Lands to the Town of New Paltz, in the County of Ulster.*

Passed 21st March, 1791.

**B**E it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same,

§ 8th sess. ch. 39.

That the act, entitled, † An act for the partition of lands, shall be, and the same is hereby extended to the town of New Paltz, in the county of Ulster, to all intents and purposes; any thing in the said act contained to the contrary, in any wise notwithstanding.

C H A P. XXXIX.

*An ACT to restrain the immoderate Use of Spirituous Liquors, in the Gaols of the Cities and Counties of New-York and Albany.*

Passed 21st March, 1791.

**W**HEREAS the immoderate use of spirituous liquors in the gaols of the cities and counties of New-York and Albany, tends to injure the health and corrupt the morals of the persons therein confined ; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, no spirituous liquors shall, upon any pretence whatsoever, be sold within the gaol of the city and county of New-York, or within the gaol of the city and county of Albany, nor after the said day shall any kind of spirituous liquors, excepting beer of the quality commonly called table beer, and cyder, be brought into either of the said gaols, for the use of any person therein confined, without the permit herein after mentioned.

II. *And be it further enacted by the authority aforesaid,* That it shall be lawful to and for the respective mayors of the said cities, for the time being, occasionally to appoint one or more physician or physicians, in each of the said cities respectively, who are hereby authorised, in such cases where they may deem the same to be necessary or useful, to grant permits in writing, under their hands, from time to time, to any person confined in the said gaols, to procure and bring into the said gaols respectively such quantity of spirituous liquors as they may think proper,

III. *And be it further enacted by the authority aforesaid,* That it shall be, and it is hereby declared to be the duty of the sheriffs of the said cities and counties respectively, having the custody of the said gaols respectively, to prevent the use of any spirituous liquors therein, contrary to the true intent and meaning of this act.

IV. *And be it further enacted by the authority aforesaid,* That if any sheriff of either of the said cities and counties respectively, shall knowingly suffer or permit any spirituous liquors to be sold or used in their respective gaols, contrary to the true intent and meaning of this act, and shall be thereof convicted before the supreme court, or court of oyer and terminer, shall, for every such offence, forfeit the sum of one hundred pounds, for the use of the people of this state.

C H A P. XL.

*An ACT for the Direction of the Loan-Officers, and for the Apportionment of Losses on the Monies loaned by the People of this State, in the late Counties of Albany and Montgomery.*

Passed 21st March, 1791.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

† 9th sess. ch. 40.  
Any lands mortgaged to the loan-officers and by them exposed to sale, that shall not be bid off for the amount of the mort-

That when any lands, tenements, or hereditaments, mortgaged to the loan-officers of any city or county, shall be exposed to sale by the loan-officers, according to the act, entitled, † An act for emitting the sum of two hundred thousand pounds, in bills of credit, for the purposes therein

overseers of the poor in the said town, arising from the excise, and from fines which are not wanted for the relief of the poor, and prayed that so much of the said money as may remain in the hands of the said overseers on the first day of April next, and shall not then be wanted for the support of the poor of the said town, may be by law appropriated to the purpose of building a school-house, and maintaining a school-master in the same town; and that Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Marks Blatner and George Best, or a majority of them, may be authorized and directed to put such law in force; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the overseers of the poor of the said town of Clermont, for the time being, and they are hereby directed to pay to the order of the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Marks Blatner, and George Best, or the majority of them, all such monies, arising from the duty of excise, and from fines, as may remain in the hands of the same overseers, on the said first day of April next, and which may not be then wanted for the support of the poor of the said town: And the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Marks Blatner, and George Best, or the majority of them, are hereby authorized and directed to appropriate the said money to the building of a school-house, and maintaining of a school-master in such part of the said town, and in such manner as they, or the major part of them shall judge to be most convenient and beneficial for the inhabitants of the said town; and to purchase or procure a convenient piece of land for that purpose; and they are hereby directed to take the conveyance of such land to the supervisor, town clerk, and overseers of the poor of the said town of Clermont, for the time being, and their successors in office.

II. *And be it further enacted by the authority aforesaid,* That the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Marks Blatner, and George Best, shall, whenever they shall be thereunto required, render an account of their appropriation and disposition of the said money, to the supervisor, town-clerk, and overseers of the poor of the said town of Clermont, for the time being, and as soon as the said monies shall be expended, for the purposes aforesaid, then the supervisor, town-clerk, and overseers of the poor of the said town of Clermont, for the time being, and their successors in office, shall be, and hereby are constituted and appointed trustees, to superintend and direct the said school; and it shall be lawful for them, from time to time, to apply all such monies as may come to the hands of the overseers of the poor for the said town, for the time being, and which may not be wanted for the support of the poor of the said town, to the purpose of repairing the said school-house, and paying a school-master for teaching a school therein.

#### C H A P. XLII.

\* 12th sess. ch. 32. *An ACT to amend an Act, entitled, "An Act for the Sale and Disposition of Lands belonging to the People of this State, and for other Purposes therein mentioned."*

Passed 22d March, 1791.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the commissioners of the land-office, and

Commissioners with certain exceptions, to grant all the waste lands of the state, in such manner, and on such conditions as they may think proper.

they hereby are authorised to sell and dispose of any of the waste and unappropriated lands in this state, in such parcels, on such terms, and in such manner as they shall judge most conducive to the interest of this state, except the lands in the southern district of this state, and all lands reserved by any act of the legislature, for the use of this state, and the lands in the town of Canaan, in the county of Columbia, and the lands which have been set apart for the use of the army, and which are situate in the county of Herkemer; any thing in any law of this state contained to the contrary, notwithstanding. Provided always, That no sales or contracts for lands, shall be made in pursuance of this act, by the commissioners of the land-office, unless the person administering the government for the time being, shall be present.

II. *And be it further enacted by the authority aforesaid,* That the surveyor-general shall execute such orders, as he may, from time to time, receive from the commissioners of the land-office for carrying this act into effect.

III. *And be it further enacted by the authority aforesaid,* That the person administering the government for the time being, shall issue letters patent for the lands so to be disposed of as aforesaid, whenever the purchaser or purchasers of the same, shall have respectively made payment in full for their respective purchases; which letters patent shall be in such form and words, as the said commissioners shall direct, and shall contain an exception and reservation of gold and silver mines, to the people of this state.

IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, annually to lay before the legislature, an account of the sales and contracts by them made, and expences incurred in pursuance of this act.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said commissioners, by warrant, under the hand of the person administering the government of the state for the time being, to draw from the treasury of the state, a sum not exceeding four hundred pounds, to enable them to execute the trust committed to them by this act.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the surveyor-general, to sell the quantity of fifty acres of land, in any one of the corners of the respective lots, to be laid out, and subjected to the payment of forty-eight shillings, in and by the act, entitled, An act to carry into effect the concurrent resolutions and acts of the legislature, for granting certain lands, promised to be given as bounty lands, and for other purposes therein mentioned, in every lot, on which the said sum of forty-eight shillings shall remain unpaid, after the first day of July, in the year of our Lord, one thousand seven hundred and ninety-two; any thing in the said act to the contrary notwithstanding.

VII. And whereas, locations may have been made on unappropriated lands, with certificates for military bounties, which may be found to interfere with prior appropriations, whereby persons having made such locations, may lose the benefit of their certificates, unless further legislative provision be made: Therefore, *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the surveyor-general, in all cases where locations have been made, or shall be made, and for which he cannot give the usual certificate, to enable

Locations with class rights made on appropriated lands, may be taken up, and laid

anew, on other lands not appropriated.

the person or persons, to obtain a patent or patents for the same, by reason of prior interfering appropriations, to accept locations on other unappropriated land, not inhibited from locations, from such person or persons, or their representatives, for the like number of acres, at any time before the first day of January next.

VIII. *And be it further enacted by the authority aforesaid,* That the commissioners of the land-office be, and they are hereby directed to grant to John Cockley, late a soldier in the first New-York regiment, the proportion of land he would have been entitled to, by any former law of the state, if his name had been inserted in the muster-roll of the regiment aforesaid, out of any lands set apart for the troops of the line of this state, lately serving in the army of the United States.

IX. *And be it further enacted by the authority aforesaid,* That the treasurer of this state is hereby directed and required to pay to the surveyor-general, the sum of four hundred pounds, to enable him to complete the subdivision of the townships ordered to be laid out for the use of the troops of the line of this state lately serving in the army of the United States, which said sum shall be charged, collected and paid into the treasury by the secretary in like manner as he is directed to charge, collect and pay into the treasury, the sum of four hundred pounds, ordered to be paid by the treasurer to the surveyor-general in and by the act, entitled, An act to carry into effect the concurrent resolutions and acts of the legislature, for granting certain lands promised to be given as bounty lands, and for other purposes therein mentioned.

A tract of land to be granted to a white person, married to a Cayuga, named Thianowes.

X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the land-office, to grant to the person entitled to the same, the land agreed by the treaty with the Cayuga Indians to be given to a white person married to a Cayuga, named Thianowes, according to the stipulation of the said treaty.

Title of the state to any lands in the town of Canaan, Columbia county, vested in the present possessors.

XI. *And be it further enacted by the authority aforesaid,* That all the estate, right, title, interest, claim and demand of the people of the state of New-York, of, in and to any lands, tenements, or hereditaments in the town of Canaan, in the county of Columbia, now possessed by any person or persons, shall be, and hereby is granted to the respective possessors of such lands, tenements and hereditaments, and to the heirs and assigns of such possessors respectively forever. Provided always, That such possessor or possessors, shall be construed and taken to be the person or persons holding in his or her own right, and not occupying and improving in the right of another.

Commissioners of the land-office, may grant lands in the town of Chemung, to the persons entitled to the same, at any time before a certain day, † 12th sess. ch. 40.

XII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the land-office, and they are hereby authorized and required to grant to such persons and their legal representatives, the lands to which they are respectively entitled by the act, entitled, † An act for granting certain lands in the town of Chemung, at any time before the first day of March next. Provided, That the persons entitled to such grants shall pay into the treasury, the sum of one shilling and six-pence in specie, or in certificates of the United States, other than indents, per acre for the land to be granted to them.



respectively; any thing in the said act to the contrary notwithstanding. And provided further, That no interest shall be computed on any such certificate after the twelfth day of April next, which shall be so paid into the treasury as aforesaid.

C H A P. XLIII.

*An ACT to enable Francois Christophe Mantel and the several other Persons therein named, to purchase and hold real Estates within this State.*

Passed 22d March, 1791.

**I.** *BE it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Francois Christophe Mantel, Samuel Clowes, jun. Samuel Richardet, William Robert O'Hara, Erick Glad, George Turnbull, Thomas Mounsefey and Jan Bernhard, respectively, to purchase lands, tenements and hereditaments within this state, and to have and to hold the same to them respectively, and their respective heirs and assigns forever, as fully to all intents and purposes as any natural born citizen may or can do; any law, usage or custom to the contrary notwithstanding.

**II.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for George Clarke, who is great grand-son of George Clarke, formerly lieutenant-governor of New-York, to purchase any lands, tenements or hereditaments within this state, and to have and to hold the same, and all other lands, tenements and hereditaments, which he may now be entitled to within this state, by purchase of descent to him the said George Clarke, first above-named, his heirs and assigns, to his and their own proper use and behoof forever, and to sell and dispose of the same or any part thereof as fully, to all intents and purposes, as any natural born citizen may or can do; any law, usage or custom to the contrary notwithstanding.

C H A P. XLV.

*An ACT to enable the Regents of the University to establish a College of Physicians and Surgeons within this State.*

Passed 24th March, 1791.

**I.** *BE it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the regents of the university, if they shall judge it proper and necessary, and they are hereby authorized to establish, under their common seal, a college of physicians and surgeons, for the sole purpose of promoting medical science, to consist of at least thirteen trustees or members, who shall be vested with such powers and privileges, as the said regents shall judge best calculated to answer the purposes of such an institution. Provided always, That the amount of the property which the said college shall or may be authorized to hold, shall never exceed in value sixty thousand pounds, current money of New-York; and that the said regents reserve to themselves the right of conferring degrees and appointing the professors or teachers of the several branches of the medical science in the said college, and of filling all such vacancies as shall or may arise among the trustees or members thereof: And provided also, That any of the trustees of the said college shall, in the discretion of the regents of the university, be appointed

professors and teachers in the said college; any law to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That the college so to be established, shall be forthwith thereafter a corporation, and shall be known by such name, as the said regents shall direct and appoint, and shall have, hold and enjoy, to them and their successors, all such powers, rights, privileges and immunities, not inconsistent with the constitution and laws of this state, as shall be for that purpose declared by the said regents, in their said act or establishment.

## C H A P. XLVI.

*An ACT for the more effectual Prevention of Fires, and to regulate certain Buildings in the City of New-York.*

Passed 24th March, 1791.

**W**HEREAS the frequent instances of fire in populous cities, renders it necessary to use every possible precaution against such calamities; And whereas the regulation of the buildings of the said city, will greatly contribute thereto; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and be it hereby enabled by the authority of the same,* That every

All houses of three or more stories, in New-York, hereafter to be built of brick, or stone, & covered with slate or tile, except the flat roof.

dwelling house or other building whatsoever, which shall be erected or built within the said city, to the south and west of a line beginning at the outlet of the meadow of Anthony Lisenard into Hudson's River, and thence running to and along the north side of the dwelling-house of Nicholas Bayard, thence to and along the north side of the dwelling-house of Richard Platt, and thence to and along the north side of the dwelling-house of Abraham Cannon, to the East River, consisting of three or more stories, shall be made and constructed of stone or brick, with party or fire walls rising twelve inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other fire materials against fire, and not with board or shingles: And that the flat of any roof may be covered with boards or shingles; Provided such flat do not exceed two equal fifth parts of the space of such roof, and there be erected around the same flat a substantial balcony or balustrade. And if any dwelling-house or other building whatsoever, shall be erected or

Penalty inflicted for building any house contrary to the intent of this act.

erected contrary to this act, the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of fifty pounds; and the workmen who shall build or roof such dwelling-house or other building contrary to this act, shall, for every such offence, forfeit and pay the sum of twenty-five pounds, to be recovered, with costs of suit, in any court of record within this state, by any person or persons who will sue or prosecute for the same to effect; the one moiety, or half part of which penalties, when recovered, to be paid to the treasurer or chamberlain of the said city, for the use of the poor thereof.

II. *Provided always, and be it further enabled by the authority aforesaid,* That if any dwelling-house or other building, already erected, or that shall have been erected within the said city, to the southward and westward of the line aforesaid, before the said first day of January, which will be in the year of our

Any building hereafter erected may be covered with boards or shingles.

Lord, one thousand seven hundred and ninety-two, shall at any time thereafter require to be new roofed, it shall and may be lawful for the proprietor or proprietors thereof, to roof the same with boards or shingles, or in such other way and manner as was customary before the passing of this act; any thing herein contained to the contrary, in any wise notwithstanding.

III. And whereas, it may be expedient to erect dwelling-houses and other buildings on new made ground, in divers parts of the said city, where no sufficient foundation can be laid for heavy edifices of stone or brick; Therefore, *Be it further enacted by the authority aforesaid*, That it shall be lawful

Wooden buildings may be erected on new made ground.

to and for any person or persons, to erect and build any wooden building or buildings, on such new made ground, if, previous to the erection of the same, such person or persons apply to the corporation of the city of New-York, who shall appoint five disinterested, capable persons, to view such new made ground, who shall be duly sworn, well and truly to examine and determine the matter, and if the said five persons, or the major part of them, shall be of opinion that no sufficient foundation can be laid in such place, to bear a building of stone or brick, they shall make a certificate to that purpose, under their respective hands and seals, which certificate shall, without delay, be delivered to the clerk of the said city, and be filed in his office, and shall be, and hereby is declared to be good evidence of such insufficiency, on any trial, upon prosecution for erecting such building, contrary to this act.

Churches and other public buildings may be covered with boards or shingles.

IV. *Provided always, and be it further enacted by the authority aforesaid*, That all roofs, coverings of steeples, cupolas, and spires of churches, and other public buildings, may be made of boards and shingles; any thing in this act to the contrary hereof, notwithstanding.

## C H A P. XLVIII.

*An ACT for erecting a Building for the Preservation of the Records and Public Papers of this State.*

Passed 24th March, 1791.

**W**HEREAS the records and public papers belonging to this state are, in their present place of keeping, in great danger of being destroyed by fire, or otherwise lost; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That Alexander Macomb, John Pintard and Lewis Allaire Scott, be, and hereby are authorized to erect on the lot where the secretary of the state now resides, a building of such construction as to be proof against fire, to be appropriated for the purpose of the preservation and safe keeping the records of this state, and for transacting the business of the office of the said secretary. Provided the expence of erecting such building shall not exceed the sum of three hundred and seventy-five pounds.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the treasurer of this state to pay to the persons in this act named, the said sum of three hundred and seventy-five pounds, for the purpose above mentioned, out of any money in the treasury not otherwise appropriated.

## C H A P. XLIX.

*An ACT directing the Treasurer of this State, to subscribe to the Bank of the United States.*

Passed 24th March, 1791.

**I** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall be lawful for the treasurer of this state for the time being, and he is hereby directed, as soon as conveniently may be, to subscribe in his own name, as treasurer of this state, one hundred and ninety shares, to the bank of the United States, and to pay such sum as may be necessary to be paid in specie, on such subscription, out of any money which now is, or hereafter may be in the treasury, not otherwise appropriated, and to pay such part of the said subscription, as is to be paid in stock of the United States, bearing an interest of six per cent. out of the stock he shall receive, by virtue of the act, entitled, An act for the relief of the creditors of this state.

**II.** *And be it further enacted by the authority aforesaid,* That the treasurer of this state for the time being, shall, from time to time, vote for directors of the said bank, and manage, do, and transact all matters and things in respect to the said shares, in the same manner, as any other stockholders in the said bank may do by law; And shall also, from time to time, receive all dividends on the said shares, for the use of this state.

## C H A P. LIII.

*An ACT concerning Roads and Inland Navigation, and for other Purposes.*

Passed 24th March, 1791.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful, for the commissioners of the land-office, to agree, or contract, with such person or persons as they shall judge proper, for exploring, laying out, and opening a road, to begin on any part of the west branch of Delaware, to Paghkataghcan; of the Delaware, at or about Walton, to extend easterly, to Paghkataghcan, with such variation, and in such direction, as the said commissioners shall judge most eligible and conducive to the interest of the state.

**II.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said commissioners from time to time, to draw from the treasury, by warrant from his excellency the governor, for the purpose of defraying the expences of exploring, laying out, and opening said road, such sums of money as they shall judge necessary, not exceeding the sum of four hundred pounds; and that all such surplus money, as shall remain in the hands of the commissioners, of the monies heretofore granted, for laying out the road, beginning on the road, that leads from Kingston to Peen Pack, and extending westward, as far, and in such direction, as the said commissioners should judge most conducive to the interest of the state, shall be applied by them in improving the road from Paghkataghcan to Great Shandaken.

**III.** *And be it further enacted by the authority aforesaid,* That the commissioners of the land-office be, and they hereby are authorized, to cause to be explored, and the necessary survey made of the ground, situate between the

Commissioners of the land-office to contract for making a road from the west branch of Delaware, to Paghkataghcan;

And to draw from the treasury, for the purpose of making said road, 40c.

Commissioners of the land-office to cause certain parts of the state to be explored & to make an estimate of

the probable expence of making canals in said parts of the state. Mohawk River, at or near Fort Stanwix and the Wood-Creek, in the county of Herkimer, and also between the

Hudson River and the Wood-Creek, in the county of Washington; and to cause an estimate to be made of the probable expence that will attend the making canals sufficient for loaded boats to pass, and report the same to the legislature at their next meeting: And the treasurer of the state is hereby authorized to pay unto the said commissioners, such sum or sums of money, as shall be necessary to defray the expence thereof, not exceeding in the whole, the sum of one hundred pounds.

IV. *And be it further enacted by the authority aforesaid,* That the second section of an act, entitled, *† An act to amend an act, entitled, An act for the better laying out, regulating and keeping in repair, all common and public highways, passed the twentieth of April, one thousand seven hundred and eighty-seven,* be, and the same is hereby extended to the county of Ulster (except as to low lands on the Esopus Kill) any thing in any law of this state, to the contrary notwithstanding.

Second section of an act, relative to repairing highways, passed the 20th April, 1787, extended to Ulster county.  
† 10th sess. ch. 95.

#### C H A P. LIV.

*An ACT concerning the Collection and Commutation of Quit-Rents, and for other Purposes.*

Passed 24th March, 1791.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,

That all arrears of quit-rents which shall be due and unpaid at any time after the first day of May next, and before the first day of May which will be in the year one thousand seven hundred and ninety-three, and which were heretofore receivable in certificates issued by the treasurer or auditor of this state, or by the auditors appointed to liquidate and settle the depreciation of the pay of the line of the troops of this state, in the service of the United States, shall, after the first day of May next, be receivable in any stock created under the authority of the United States. And after the time last above mentioned, all arrears which shall become due, shall be only receivable in gold or silver, or bills of credit emitted in pursuance of the laws of this state.

II. *And be it further enacted by the authority aforesaid,* That all persons from whom quit-rents may be due after the passing of this act, shall be at liberty to commute for the same, by paying at the rate of fourteen shillings for every shilling which shall annually become due, for such quit-rent, and every such payment shall be considered as a discharge of the quit-rent arising from the land for which it shall be paid, and within the times herein before limited, for making the arrears of quit-rents receivable in stock created under the authority of the United States, the said commutation shall be receivable in the said stock, but after the said time, herein before limited, the said commutation shall be paid in gold or silver only, or the bills of credit emitted by the laws of this state. Provided nevertheless, That this act shall not extend to any person or persons not being citizens of this state, or of any of the United States.

Commutation for quit-rents, how to be paid.

Arrears of quit-rent unpaid after the first of May, 1791, how to be paid.

Fifth section of a former act relating to quit-rents repealed. † 10th sess. ch. 76.

III. *And be it further enacted by the authority aforesaid,* That the fifth section of the act, entitled, An act to amend an act, entitled, † An act for the collection and commutation of quit-rents, passed the 11th day of April, 1787, shall be, and the same is hereby repealed.

IV. *And be it further enacted by the authority aforesaid,* That the treasurer of the state shall, and he is hereby directed to pay to any person, being a citizen of this state, who shall produce to him a certificate, under the hand and seal of the judge of the court of common pleas, of the county where such person may reside, certifying, that he or she has growing on his or her farm fifty white mulberry trees, which trees have been planted three years, and at least twenty feet distant from each other, the sum of six shillings; and the like sum for every fifty trees which he or she shall have planted, in manner aforesaid, until the whole number amounts to two hundred.



## LAWS OF THE STATE OF NEW-YORK,

Passed in the Fifteenth Session of the Legislature, held  
in the City of New-York.

### C H A P. I.

*An ACT to authorize the Treasurer to subscribe to the Bank of New-York.*  
Passed 12th January, 1792.

WHEREAS by the act, entitled, An act to incorporate the stockholders of the bank of New-York, it is enacted, that this state shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole the number of one hundred, at any time when they shall by law authorize any person or persons for that purpose; and the state shall have a right to increase the number of shares and stock, which the said corporation may hold, to the amount of the sum to be subscribed, if the number of shares therein limited shall be subscribed before such subscription shall take place on the part of the state: And whereas the number of shares limited to the said corporation have been already subscribed, and it is conceived proper that this state should subscribe one hundred shares to the said bank; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful to and for the treasurer of this state, and he is hereby authorized and directed to subscribe, as soon as conveniently may be, for and in behalf of this state, one hundred shares to the said bank, and to pay for the same out of any monies in the treasury not otherwise appropriated.

Treasurer to subscribe 100 shares for the state.

*Treasurer to vote for directors in behalf of the state, and to receive dividends.*

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the treasurer of this state, for the time being, from time to time, to vote for directors of the said bank; for and in respect to the said one hundred shares, for and in behalf of this state, and to receive the dividends and profits of the said shares, and keep the same in the treasury of this state until disposed of by law.

*The number of shares in said bank increased.*

III. *And be it further enacted by the authority aforesaid,* That the shares in the said bank shall be, and hereby are increased from one thousand eight hundred, being the number limited by the said act, to one thousand nine hundred fifty, and that the stock of the said bank shall be, and hereby is, increased fifty thousand dollars, being the sum to be paid for the said one hundred shares; to be subscribed by the treasurer for this state, as aforesaid.

### C H A P. III.

*An ACT for altering the Times of holding the Courts in the Counties of Rensselaer and Saratoga, and for an additional Term in each of the said Counties.*  
Passed 20th January, 1792.

**W**HEREAS it hath been represented to the legislature, that the times of holding the courts of common pleas and general sessions of the peace, in and for the counties of Rensselaer and Saratoga, are inconvenient, and that an additional term is requisite in each of the said counties:—  
Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That the court of common pleas and general sessions of the peace, in and for the said county of Rensselaer, instead of the times now prescribed by law for holding the same courts, shall, from and after the first day of July next, be holden as follows, that is to say:—

*Terms of the courts of common pleas & general sessions of the peace, for the county of Rensselaer, altered.*

The said courts of common pleas, in and for the said county of Rensselaer, shall be held on the second Tuesday of November, the third Tuesday in February, and second Tuesday in June, in every year, and may be continued until the several Saturdays next following, inclusive; and that the courts of general sessions of the peace, in and for the said county of Rensselaer, shall be held on the second Tuesdays in June and November, in every year, at the place where the court of common pleas shall be then holden, and may continue to be held until the end of that term of the same court of common pleas; and that the said court of common pleas, to be held in and for the said county of Rensselaer, on the second Tuesday in November next, shall, at the end of the term, be adjourned to the third Tuesday in February then next; and that the said court of general sessions of the peace, to be held in and for the said county of Rensselaer, on the said second Tuesday in November next, shall, at the end of the said term, be adjourned to the said second Tuesday in June then next.

*Terms of the court of common pleas, and general sessions of the peace, for the county of Saratoga, altered.*

II. *And be it further enacted by the authority aforesaid,* That the courts of common pleas, and general sessions of the peace, in and for the county of Saratoga, instead of the times now prescribed by law for holding the same courts, shall, from and after the first day of July next, be

Terms of common pleas and general sessions, and their continuance. holden as follows, that is to say: The said courts of common pleas, in and for the said county of Saratoga, shall be held on the third Tuesday in November, the last Tuesday in February, and third Tuesday in June, in every year, and may be continued until the several Saturdays next following, inclusive; and that the said courts of general sessions of the peace, in and for the said county of Saratoga, shall be held on the third Tuesday of June, and last Tuesday in February, in every year, at the place where the court of common pleas shall be then holden, and may continue to be held until the end of that term of the same court of common pleas; and the said court of common pleas, and general sessions of the peace, to be held in and for the said county of Saratoga, on the third Tuesday in November next, shall, at the end of the term, be adjourned to the last Tuesday in February then next.

## C H A P. IV.

*An ACT to explain an Act, entitled, "An act for the more effectual Prevention of Fires, and to regulate certain Buildings in the City of New-York."*

Passed 26th January, 1792.

**W**HEREAS the act, entitled, "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New-York," was intended to take effect on the first day of January, in the year of our Lord, one thousand seven hundred and ninety-two, but by a mistake in the said act, the same took effect on the twenty fourth day of March, in the year of our Lord, one thousand seven hundred and ninety one, the day of passing the said act: Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all fines, penalties, and forfeitures, for any offence or offences against the said act committed, done, or suffered, at any time before the said first day of January, in the year of our Lord, one thousand seven hundred and ninety-two, shall be, and hereby are remitted; and the said act shall hereafter be adjudged to have taken effect on the said first day of January, in the year of our Lord, one thousand seven hundred and ninety-two, and not before.*

## C H A P. V.

*An ACT to remove Doubts concerning Commissioners of Oyer and Terminer, and Gaol Delivery.*

Passed 26th January, 1792.

**W**HEREAS, in and by an act, entitled, "An act requiring all persons, holding offices or places under the government of this state, to take the oaths therein mentioned, certain officers therein mentioned are required to take the oaths therein prescribed:

*Preamble, reciting that doubts have arisen*

And whereas doubts have lately arisen, whether commissioners of oyer and terminer and gaol delivery are not obliged to take some or one of the said oaths, and whether their proceedings are not void, in case they neglect to take the same: And whereas it is conceived, that the commissioners, in any commission of oyer and terminer, not taking any or either of the oaths in the said act mentioned, will not invalidate their proceedings: Therefore,



I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That no proceeding whatsoever, already had, or hereafter to be had, before any commissioner named in any commission of oyer and terminer and gaol delivery, or either of them, already issued, or hereafter to be issued, shall be void or voidable, or in any manner impeached, for or by reason or on account of the commissioners therein named, or any or either of them not taking, or not having taken the oaths in the said act mentioned, or any or either of them; but that all and every indictment, process, proceeding, order, and judgment, had, made or given, or to be had, made, or given, by or before any commissioners, named in any commission of oyer and terminer and gaol delivery, issued or to be issued, without taking any or either of the oaths in the said act mentioned, shall be as good, valid and effectual, to all intents and purposes, as if every of the said commissioners had taken the oaths prescribed in and by the said act, or any or either of them.

Said doubts removed, and their acts declared valid, although they have not taken the said oath.

II. *And be it further enacted by the authority aforesaid,* That it shall not be necessary for any commissioner of oyer and terminer and gaol delivery, or either of them, who doth or shall, at the time of executing, or acting in the execution of such commission, hold any judicial office in this state, to take any or either of the oaths mentioned in the said act, but every other person named in any such commission, shall before he takes his seat in court as a commissioner, take and subscribe the oath of abjuration and allegiance mentioned in the said act, and also the oath therein prescribed to be taken by judicial officers.

Persons named in commissions of oyer and terminer, who hold judicial offices need not take the oath.

But every other person named therein must.

## CHAPTER VI.

*An ACT to prevent Obstructions to Docks and Wharves in the City of Albany and to increase the Number of Fire-Men in the said City.*

Passed 4th February, 1792.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That from and after the first day of July next, if any ballast or lading, consisting of earth, gravel, stones or shells, shall be discharged from any vessel into the channel of Hudson's river, opposite to the city of Albany, or into any dock, or upon any wharf within the said city, the master or commander, owner or owners of such vessel, shall for every such offence, forfeit and pay to the wharfinger, having charge of such dock or wharf, the sum of ten shillings, to be recovered in the name of such wharfinger, before any court having cognizance of the same. Provided nevertheless, That ballast or lading of the description aforesaid, may, by and with the consent of such wharfinger, be unladen and discharged into any such dock, or upon any such wharf, there to remain for such time as the wharfinger shall specify and limit.

II. *And be it further enacted by the authority aforesaid,* That if any master or commander, owner or owners, of any vessel, craft, boat or flat, having discharged any ballast or lading of the description aforesaid, upon any wharf, with the consent of the wharfinger having charge of the said wharf, shall neglect or refuse, for the space of two days beyond the time so specified and limited as aforesaid, to remove the same, such master or commander, owner or owners, shall forfeit and pay to such wharfinger, the sum of ten shillings for every such neglect or refusal, to be recovered as aforesaid.

III. And whereas, It is represented, that the number of sixty firemen are insufficient for the city of Albany : Therefore, *Be it enacted by the authority aforesaid,* That it shall and may be lawful, to and for the mayor, aldermen and commonalty of the said city, in common council convened, to increase the number of firemen which have been appointed in pursuance of an act, entitled, "An act for the better extinguishing fires in the city of Albany," to the number of eighty firemen, who shall be regulated and governed in the same manner, be liable to the same penalties, and entitled to the same privileges and exemptions, as are mentioned in the said last mentioned act.

C H A P. VII.

*An ACT to authorize the Sheriff of the City and County of Albany, to remove the Prisoners from the Old to the New Gaol, lately erected in the said County.*

Passed 4th February, 1792.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the gaol lately erected by law, in the city and county of Albany, shall be the gaol of the said city and county.

II. *And be it further enacted by the authority aforesaid,* That the sheriff of the city and county of Albany, shall on or before the thirty-first day of March next, remove all the prisoners, whether committed by process directed to the sheriff of Albany, or by any court of justice in the same city and county, or by process directed to the sheriff of either of the counties of Washington, Clinton, Rensselaer or Saratoga, or by any court of justice in either of the said counties, from the old gaol of the county of Albany, to the new gaol aforesaid, and there keep them, and each of them, in safe custody, until they are respectively discharged by due course of law.

III. *And be it further enacted by the authority aforesaid,* That neither the sheriff of the city and county of Albany, nor the gaoler of the said city and county of Albany, nor the sheriffs of the counties of Washington, Clinton, Rensselaer or Saratoga, shall be liable to any action or actions of escape, or other action at law, for the removal of the said prisoners, or either of them; and that if any action, bill, plaint, suit or information, shall be commenced or prosecuted against the said sheriff, for removing the said prisoners, or either of them, in pursuance of this act, it shall be lawful for such sheriff to plead the general issue, and to give this act, and the special matter in evidence. And if the plaintiff or prosecutor, in any such action, bill, plaint, suit or information, shall become non suit, or discontinue or cease to prosecute the same, or if a verdict or judgment be given against him or her, the defendant shall recover double costs, for which he shall have like remedy, as in other cases where costs are given by law to defendants.

IV. *And be it further enacted by the authority aforesaid,* That in case any prisoner or prisoners, shall escape from the custody of the sheriff of the said city and county of Albany, during the time of his or her removal, and the sheriff shall not re-take such prisoner or prisoners, and confine him her or them, in the gaol to which he she or they ought to be removed by virtue of this

Sheriff before a certain day, to remove all the prisoners from the old to the new gaol.

Sheriff not to be liable to an action of escape, or such removal.

Every prisoner escapes during such removal, the sheriff to be liable to action of escape.

list, within sixty days next after such escape made, the said sheriff shall be liable to all actions, for such escape or escapes.

V. *And be it further enacted by the authority aforesaid,* That the late gaol of the county of Albany aforesaid, shall not after the thirty-first day of March aforesaid, be deemed the gaol of the said county.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, for all courts and officers in the counties of Washington, Clinton, Rensselaer and Saratoga, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Albany, lately erected as aforesaid, until a gaol shall be provided in each of the said counties respectively, any law to the contrary thereof in any wise notwithstanding.

The old gaol after a certain day, no longer considered the gaol of the county.

Prisoners of certain counties may be confined in Albany gaol.

## C H A P. VIII.

### *An ACT for building a Court-House and Gaol in the County of Tioga.*

Passed 18th February, 1792.

**W**HEREAS the judges, justices and supervisors of the county of Tioga, have by their petition requested the legislature, to enable them by law to raise a sum of money, to build a court-house and gaol in the said county : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the supervisors of the several towns in the said

Supervisors of Tioga, to direct gaol, to be raised and levied on the inhabitants for building a court-house in said county.

With an additional sum of nine pence in the pound for collecting.

county for the time being, or a major part of them, shall be, and they are hereby authorized and required, to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of three hundred pounds, for building a court-house and gaol in the said county, with an additional sum of nine pence in the pound, for collecting the same ; which said sums shall be raised, levied, and collected in like manner as the other necessary and contingent charges of the county, are levied and collected,

II. *And be it further enacted,* That the supervisors of the county of Tioga, or the major part of them, shall meet at the dwelling house of Nehemiah Spalding, near Nanticoke, in the same county, on the last Tuesday of May next, for the purpose of directing the said sum of three hundred pounds, together with the poundage for collecting the same, to be raised and levied ; and the clerk of the supervisors of the said county, is hereby directed to notify the supervisors of such meeting.

III. *And be it further enacted,* That the said sum of three hundred pounds, shall be collected and paid to the treasurer of the said county, on or before the first day of October, one thousand seven hundred and ninety-three.

IV. *And be it further enacted,* That the supervisors and judges of the court of common pleas in the said county, shall on the first Tuesday of May next, assemble together and appoint three commissioners, to superintend the building of the court-house and gaol aforesaid, which said gaol and court-house, shall be erected east of Nanticoke creek, at

Said sum when to be collected and paid to county treasurer.

Supervisors and judges to meet on a certain day, and appoint commissioners to superintend the building said court-house.

Said gaol where to be built & on what plan.

the place fixed by the justices and supervisors of the said county, at a meeting for that purpose, on the twelfth day of July last, upon such plan as the said commissioners, or a majority of them, shall think most conducive to the interest of the said county; and that the said commissioners or a majority of them, shall and may contract with workmen, and purchase materials for erecting the said court-house and gaol, and shall, from time to time, draw on the treasurer of the said county, for such sums of money for the purposes aforesaid, as shall come into the treasury of the said county, by virtue of this act. And the said treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners, the several sums to be by them drawn for, as aforesaid: And such commissioners shall account with the supervisors of the said county, for the monies they so shall receive or draw for, as aforesaid, when thereunto required.

*V. And be it further enacted,* That the court of common pleas and general sessions of the peace, for the same county, shall, after the end of the term to be held on the fourth Tuesday in June next, be adjourned to, and held at the dwelling house of Nehemiah Spalding, situate near Nanticoke creek aforesaid, until the court-house aforesaid shall be built, and fit for the reception of the said court.

*VI. And be it further enacted,* That it shall and may be lawful for the treasurer of the said county, to retain in his hands, the sum of three pence in the pound, for his trouble in receiving and paying out the monies directed to be raised by this act.

#### C H A P. IX.

*An A C T to increase the Number of Fire-Men within the City of New-York.*

Passed 18th February, 1792.

**W**HEREAS, in and by the statute entitled, "An act for the better extinguishing of fires in the city of New-York," the mayor, aldermen and commonalty of the city of New-York, in common council convened, or the major part of them, were authorized and required, to nominate and appoint a sufficient number of strong, able, discreet, honest and sober men, willing to accept, not exceeding three hundred in number, of the inhabitants of the said city, to be the fire-men of the city of New-York. And whereas, the said city is considerably enlarged, and the number of fire engines belonging to the said city is greatly increased and increasing, and the present number of fire-men insufficient to work the same, and otherwise conduct the extinguishing of fires in the said city: Therefore,

*I. Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful to and for the mayor, aldermen and commonalty of the city of New-York, in common council convened, or the major part of them, from

From the increase of the city, 300 fire-men are insufficient.  
Corporation authorized to appoint 150 additional fire-men.

time to time, to nominate and appoint such further number of able, discreet, honest and sober men, of the inhabitants of the said city, as they shall deem necessary for the purpose, not exceeding one hundred and fifty in the whole, to be added to the number of the fire-men of the city of New-York; in like manner as directed in and by the above in part recited act. Which said fire-men so to be nominated and appointed by virtue of this act, shall be entitled to the same privileges and exemptions, be subject to

the like rules, orders, ordinances and regulations, and liable to the same fines, penalties and forfeitures, which the fire-men appointed, or to be appointed by virtue of the said in part recited act, are entitled, subject or liable to.

II. *And be it further enacted*, That it shall and may be lawful, to and for the mayor, aldermen and commonalty of the city of New-York, in common council convened, or the major part of them, to remove and displace all or any of the fire-men, to be nominated and appointed by virtue of this act, when and as often as they shall think fit, and others in their room to nominate and appoint, and so from time to time, as they the said mayor, aldermen and commonalty of the said city, in common council convened for the time being, shall think proper.

# C H A P. X.

*An ACT to enable the Mayor, Recorder and Aldermen, of the City of New-York, to order the raising Monies by Tax for the Maintenance of the Poor, and for defraying the other contingent Expenses arising in the City and County of New-York.*

Passed 18th February, 1792.

I. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That

Corporation of New-York empowered, to raise \$6000. by tax, for the support of the poor of New-York, bridewell, criminals, repairing the streets, &c.

the mayor, recorder and aldermen of the city of New-York, or the major part of them, of whom the mayor or recorder to be one, shall be, and hereby are fully authorized and empowered, as soon as conveniently may be, after the passing of this act, to order the raising a sum not exceeding eight thousand six hundred pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the city and county of New-York, to be applied to the support and maintenance of the poor of the said city and county, the bridewell, and the criminals from time to time confined in the prison of the said city and county, and to the repairing and maintaining the public roads, regulating and improving the streets, and for paying the other contingent expenses arising within and properly chargeable to the said city and county,

To raise a further sum of \$4000. to complete the battery, and make certain improvements,

II. *And be it further enacted*, That it shall and may be lawful, for the mayor, recorder and aldermen aforesaid, or the major part of them, of whom the mayor or recorder to be one, as soon as conveniently may be, after the passing of this act, to order the raising a further sum not exceeding two thousand four hundred pounds, to be assessed, raised and collected, in the manner aforesaid, to be applied to completing the improvements at the battery, and about the government house, and making improvements in front of the gaol, alms house and bridewell in the said city.

III. *And be it further enacted*, That it shall and may be lawful, for the mayor, recorder and aldermen aforesaid, or the major part of them, of whom the mayor or recorder to be one, as soon as conveniently may be, after the passing of this act, to order the raising a further sum not exceeding five thousand pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the said city, on the south side of a line beginning at the out-

Also \$5000. for paying watchmen, lighting and repairing lamps, &c.

let of the meadows of Anthony Liffenard, into Hudson's river; thence extending to and along the north side of the dwelling house of Nicholas Bayard; thence to and along the north side of the dwelling house of Morgan Lewis, Esquire, and thence to and along the north side of the dwelling house late of Abraham Cannon, to the East river, to be applied to the payment of so many watchmen, as the mayor, aldermen and commonalty of the said city, in common council convened, shall from time to time think necessary for guarding the said city; and also the purchasing oil, providing lamps, and repairing and attending the lamps, which now are, and from time to time hereafter may be erected within the said city; and for the payment of such other contingent charges of the said city, arising within the limits above mentioned, and properly chargeable thereto, as the mayor, aldermen and commonalty of the said city, in common council convened, shall, from time to time think necessary, and from time to time direct. Which said several

How to be rated,  
collected and paid.

sums of money, shall be rated and assessed according to the estate of each respective person so to be taxed, and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city, at such time as the said mayor, recorder and aldermen, or a major part of them, shall direct and appoint, any thing in the second section of the statute, entitled, "An act for the more effectual collection of taxes in the city and county of New-York," contained to the contrary notwithstanding.

IV. *And be it further enacted*, That it shall and may be lawful, for the collectors in the seventh ward of the said city, to retain in their hands the sum of one shilling in the pound, and the collectors in the several other wards, the sum of nine pence in the pound, and no more, for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act; and that it shall and may be lawful, for the said treasurer or chamberlain to retain in his hands the sum of two pence in the pound, and no more, for his trouble in receiving and paying the said moneys.

#### C H A P. XL

*An ACT to authorise the Corporation of the Reformed Protestant Low Dutch Church at New Utrecht, in King's County, to sell and dispose of certain Lands for the Benefit of the said Church.*

Passed 18th February, 1792.

**W**HEREAS the trustees of the Reformed Protestant Low Dutch Church at New Utrecht, in King's county, have, by their petition to the legislature, prayed for leave to sell, for the benefit of the said church, certain lands belonging to the said church, in the town of New-Utrecht aforesaid: Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly*, That full power, good right and lawful authority, shall be, and hereby is granted to the trustees of the said church, to sell and alien in fee, all right and title belonging to the said church, or vested in them as its trustees, of and in all such lands, situate, lying and being in the town of New-Utrecht, in King's county, as they shall from time to time, deem necessary for the advancement of the interest and promoting the prosperity of the said church. Provided always, that the lands so to be sold, by virtue of this act, shall not exceed in quantity twenty-six acres.

C H A P. XII.

*An ACT for the better laying out and keeping in Repair the Public Highways and Private Roads in the County of Westchester.*

Passed 24th February, 1792.

**I.** *BE it enabled by the people of the state of New-York, represented in senate and assembly,* That from and after the passing of this act, the free-

*Inhabitants of the several towns in Westchester county, at their annual town meetings to elect commissioners to lay out and regulate their roads.*

holders and inhabitants of the respective towns in the county of Westchester, shall be, and hereby are authorized and required at their annual town meetings for electing town officers, to choose and elect not less than three, nor more than five freeholders, as may be determined by a majority of votes at their annual town meetings, to be commission-

ers, to lay out and regulate the roads, highways and road districts, in the towns for which they shall so respectively be chosen; and also as many

*And to elect as many overseers of the highways as there shall be road districts in each town.*

overseers of the highways as there shall be road districts in the said town, whose duty it shall be to oversee and keep in repair the roads and highways within the several districts for which they shall be elected; and the persons so to be chosen

commissioners or overseers, are hereby required to execute their said offices respectively.

*Commissioners of each town directed to regulate, alter, or lay out new roads, according to their discretion*

**II.** *And be it further enacted,* That the commissioners of each respective town in the said county, or a major part of them, are hereby authorized and required to regulate the roads already laid out, and if any of them shall appear inconvenient and an alteration necessary, to alter the same in

such manner, as they or the major part of them shall judge necessary and convenient, and also to lay out such other public highways and roads, as they shall judge necessary, as well for the convenience of travellers as for the inhabitants of such town. Provided nevertheless, That where any road shall be altered or laid out, through any inclosed or improved lands, the owner or owners thereof shall be paid the value of the lands so laid out into an highway or road, with such damages, as he, she or they may sustain by reason thereof, which value and damages may be settled and agreed upon by the commissioners and the parties interested therein; and if they cannot agree, then the value of the lands and damages shall be set and appraised by two justices of the peace, and by the oaths of twelve reputable freeholders, not interested in paying or receiving any part of such appraisal, otherwise than in paying his proportion of tax for the contingent charges of the county; which freeholders shall be summoned by any constable not otherwise interested than as aforesaid, by virtue of a warrant to be issued by the said two justices of the peace for that purpose, and if any road within any such town so laid out, be a common or public highway, the whole value of the lands so laid out into an highway and damages, together with the charges of the commissioner and the costs of ascertaining the value and damages shall be paid as the other contingent charges of the said county are paid. But if the road so to be laid out, be a road for the particular convenience of one town, or a private road for the convenience of one or more persons, in such case, such town or the person or persons requiring the same, shall pay and defray the whole of such value and damages, costs and charges, as were occasioned by the laying out of such road; and when any such road or highway shall be so laid out and appraised, it shall be lawful for any one justice of the peace of

the county, or any one of the commissioners of the town in which such road shall be laid out, to order the overseer or overseers of the road district or districts, in which such road is, to open and work the same. Provided always, That no private road shall be laid out through any orchard or garden, without the consent of the owner or owners.

III. *And be it further enacted*, That all public roads to be laid out by virtue of this act, shall not be less than four rods wide; and that the commissioners of the respective towns shall, from time to time, cause to be entered, on the town records, all such roads or highways as by them shall be laid out or altered; and that if any person or persons shall alter or obstruct any highway, or road already laid out, or to be laid out or altered by virtue of this act, such person or persons so offending shall forfeit, for every such offence, the sum of forty shillings, to be fined for and recovered by the overseer of the road district in which such obstruction or alteration shall be, in an action of debt, with costs, and when recovered, to be paid into the hands of the town-clerk, subject to the disposition of the commissioners of such town; and if any tree shall fall out of any inclosed or improved lands, across or into any public road or highway, the owner or possessor of such lands shall remove the same within forty-eight hours after the same be so fallen, or be liable to a fine of ten shillings for every day such owner or possessor shall neglect to remove the same, after notice given by any person whomsoever, to be recovered and applied in manner aforesaid.

IV. *And be it further enacted*, That the respective overseers of the road districts shall, within fourteen days after their election, deliver a list, subscribed by such overseers, to the clerk of the town in which such overseers reside, containing the names of all the inhabitants possessing real or personal property, and residing in their respective districts; and also of every other able bodied free male person above the age of twenty-one years. And the respective commissioners of each town, or a majority of them, shall, within sixteen days after their being elected, meet together at the place of their respective elections, and the clerk of each town shall deliver to the commissioners of their respective towns, the returns made by the overseers of the road districts; and thereupon the said commissioners shall proceed to assess and affix to each person's name so returned, such sum or sums of money as they, or the major part of them, shall judge necessary for keeping in repair the roads for that year, in the district where such persons dwell; and the said commissioners, in making such assessment, shall have respect to the estate and ability of the person so assessed. Provided, That no able bodied freeman shall be assessed less than four shillings; and the said commissioners, after having made and subscribed their names to such assessment, and caused copies thereof to be filed with the clerk of the town, shall deliver such lists and assessments to the overseers of each respective road district, who shall have returned the same, in manner herein before directed.

V. *And whereas* there may be in some of the road districts, large bridges, and other repairs necessary to be made, which would be too great a burden for the inhabitants of such district: *Therefore, Be it enacted*, That if a majority of the

Public roads to be not less than four rods wide, and to be entered on the town records.

Penalty for obstructing roads, how to be fined for, recovered and applied.

Overseers of the road districts, within a certain time, to deliver to the town clerk a list of all the freeholders and able bodied freemen in their districts, &c.

No person to be assessed less than four shillings; and the assessment, when made, to be filed with the town clerk, and copies with the overseer.

When large bridges are necessary, commissioners may raise a further sum of money, as hereinafter directed.



commissioners of either of the respective towns shall judge it necessary to raise a further sum than shall have been assessed on the inhabitants of the districts in such town, for building large bridges, and making such other repairs as the commissioners, or a majority of them shall judge ought to be made at the expence of such town, they shall meet together, and agree upon the sum necessary to be raised for that purpose, and shall deliver a certificate of such sum to the supervisor of the town, who shall lay the same before the supervisors of the county, at their next annual meeting, for raising the contingent charges of the county, who shall cause the same to be assessed and collected from the freeholders and inhabitants of such town, in the same manner as the contingent charges of the county are raised; and when collected, to be paid into the hands of the clerk of the town, who shall pay the same to the overseer or overseers of the road districts, when required, by an order from a majority of the commissioners of the said town. Provided the commissioners of any town shall not cause to be raised in one year, more than the sum of one hundred pounds for the purposes last mentioned.

Overseers to collect and lay out the monies in certain proportions, and within certain times.

VI. *And be it further enacted,* That it shall be the duty of the respective overseers of road districts, in the respective towns, to collect and apply two thirds of all the money assessed in each respective year in repairing the roads in the districts in which it was collected, on or before the twentieth day of June, and the other remaining third on or before the first day of November, in each respective year.

Overseers in working the roads, to follow the directions of the commissioners.

And when any roads are impaired by heavy rains, a justice or commissioner may order the overseer to repair them.

or districts to amend and repair the same; and the overseer of any district where the road shall be so impaired, shall, within two days after such notice, cause such road to be well repaired. Provided, That if the money assessed on the inhabitants of the district shall be expended before extra repairs become necessary, then, and in that case, the necessary expenditure of making such repairs shall be paid out of the monies which may be in the hands of the town clerk of the town where such repairs shall have been made.

How extra repairs are to be made when the money assessed is all expended.

clerk of the town

Overseers to keep a just account of all monies collected and expended on the roads, and exhibit them to the supervisors.

VIII. *And be it further enacted,* That the respective overseers of road districts shall keep a just and true account of all the monies collected and laid out within their respective districts, and from whom collected; and shall exhibit such accounts before the supervisor and town clerk of their respective towns; and the said supervisor and clerk of the respective towns are hereby required to meet together on the last Tuesday of March in every year, at the place of the last election for town officers, and being so met, shall audit and settle the accounts of such overseers of the road districts as shall lay their accounts before them; and if, upon such settlement, any money shall remain in the hands of any of the overseers of the road districts, they shall pay the balance into the hands of their respective town clerk; which money shall remain in his hands, subject to be drawn out by the commissioners, as is directed in and

by this act; and if any of the said overseers shall have neglected to collect the whole amount of the monies assessed on the inhabitants of their district, they shall be answerable to the clerk of the town for the whole of such deficiency, unless they shall produce, at the time of such settlement, a receipt from the constable of such town for their warrant issued and delivered for the collection of such deficiencies; and the constables respectively are hereby directed and required to pursue the same measures to collect the money required to be collected by such warrant, as they are directed to pursue in collecting money due on executions, by virtue of an act entitled, "An act for the more speedy recovery of debts to the value of ten pounds," and be subject to the like penalty for neglect of duty as they are subjected to for neglect of duty in and by the said act. Provided always, That if any money shall be due on any such warrant, issued by any overseer of any road district, at the settlement of such overseer with the supervisor and town clerk, then, and in every such case, the said constable shall be answerable to the town clerk in the same manner as he is to the party aggrieved in and by the said last recited act.

*IX. And be it further enacted,* That in case any public road or highway leading to any place of embarkation, or any new road shall be required to be laid out, such public road or highway shall be continued from town to town, and through the same, as straight and direct as the nature of the ground will admit. And that such public road or highway may be established, or being established, may be altered so as to be more generally convenient, and useful to the inhabitants of the respective towns, through which the same may pass, it shall and may be lawful for the commissioners of the town, which require the said road to be laid out or altered, by writing under their hands to appoint and summon a general meeting of all the commissioners of the respective towns through which the road proposed shall extend, at any time not less than ten days, or more than twenty days after the service of notice on the said commissioners, and at such convenient place in that town, which shall be most central to the usual residence of the major part of such commissioners; and the said commissioners are hereby directed and required, to meet and attend according to such appointment, and when the said commissioners, so convened, shall have consulted together, and deliberated upon the subject of the said meeting, they shall then proceed to lay out the highway or road required, from town to town, and in the best and most advantageous manner for the public and general utility and convenience, that is to say, the commissioners of each respective town, shall lay out that part of the intended road which extends through the town, of which they are respectively commissioners; and the same so being laid out, shall be certified, returned and recorded as a public road or highway, in manner directed in and by this act, and shall be maintained in each respective town; but if a majority of the commissioners of any or either of the said towns so met and assembled, shall disapprove of and not consent to the place or places, where any part of such road shall be proposed to be laid out, and propose any other place or places for the same, to which the commissioners of the town through which that part of the road is to pass, or a majority of them do not consent and agree, then and in every such case, a description shall be made in writing, signed by all the commissioners present, of both the roads proposed, and it shall be lawful for three or more of the said commissioners to apply to any two justices of the peace of the said county, not residing or

Roads leading to places of embarkation, &c. to be continued as straight as possible from town to town.

Holding lands in that town through which the road in controversy shall pass, or in the town for which such road shall be required; and such justices are hereby authorized and directed, thereupon, to issue their precept to the sheriff of the said county, commanding him to summon a jury of twelve good and sufficient freeholders of the said county, not interested in the course of the said road, who being duly sworn for that purpose, shall enquire and give their verdict, which of the roads in controversy will be the best, and the most commodious as a public highway; and an inquest being thereof made, under the hands and seals of the said justices and jurors, shall be final and conclusive, according to which the road shall be laid out, certified and returned as a public road, by the respective commissioners of such towns through which it shall extend, and the return thereof, together with the said inquisition, being filed in the clerk's office of the county, and entered of record, the said road shall be deemed and esteemed a public road or highway, to all intents and purposes, and be supported and maintained in the respective towns through which the same shall extend, in the same manner as the other highways in such town are directed and required to be maintained and supported by this act; which inquest shall be at the expense of the town, the commissioners of which shall have refused to lay out the said road in the direction found by such inquest, and such expence shall be paid out of the monies raised in such town in pursuance of this act. Provided always, That if any such road, so altered or laid out, shall pass through any inclosed or improved lands, the proprietor thereof shall be satisfied and paid therefor, as directed by the second enacting clause of this act.

X. *And be it further enacted*, That the commissioners of the respective towns, or a major part of them, shall, if needful, on the last Tuesday in March, in each year, meet together, and by writing annually to meet and divide their town into districts. under their hands, to be lodged with the town clerk, and entered in the town book, divide their respective towns into as many districts as they shall judge convenient; for each of which districts, there shall be annually chosen one overseer of highways; and if any vacancy of overseers shall happen, by death or otherwise, in any such case, the commissioners of such towns respectively, or a major part of them, shall, and are hereby impowered to appoint some other fit person in such district or districts, as overseer or overseers; and the overseer or overseers, so appointed, shall have the same powers, and be subject to the same penalties, as overseers chosen by virtue of this act are subject to, until the next annual day of election.

XI. *And be it further enacted*, That the respective overseers of the road districts, shall be allowed four shillings per day, in their respective settlements with the supervisor and town clerk, for each and every day they shall have been necessarily employed in repairing the roads in their respective districts.

XII. *And be it further enacted*, That the commissioners of the respective towns shall severally be entitled to receive the sum of five shillings for each day, either of them, respectively, shall be necessarily employed in performing the duties enjoined on them by this act, to be raised and paid by their respective towns, in the same manner, as the other contingent charges are raised and paid.

XIII. *And be it further enacted*, That if the overseer of either of the road districts, shall neglect or refuse to perform any of the respective duties required of them by this act, in repairing of the roads, the overseer or overseers, so neglecting or refusing, shall forfeit and pay for every such offence,

the sum of forty shillings, to be recovered by action of debt, with costs, in the name of the clerk of the town in which such offence was committed; and the said clerk is hereby required to sue for the same.

XIV. *And be it further enacted*, That the act entitled, "An act for the better laying out, regulating, and keeping in repair, all common and public highways and private roads in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany, and Montgomery, passed the 4th of May, 1784, and the act entitled, "An act to amend the aforesaid act, passed the 20th of April, 1787, so far as they respect the county of Westchester, be, and they are hereby repealed. Nevertheless, The said acts are hereby declared to extend to, and be in full force and effect in the counties of Columbia, Ontario, Clinton, Herkemer, Saratoga, Otsego, Tioga, and Rensselaer.

C H A P. XIII.

*An ACT to incorporate the Trustees of the Albany Library.*

Passed 24th February, 1792.

Preamble, reciting that Abraham Ten Broeck and others, trustees of the Albany library, had prayed to be incorporated.

WHEREAS Abraham Ten Broeck, Stephen Van Rensselaer, James Fairlie, Goldbrow Banyar, William Van Ingen, William Banyar, Gerrit W. Van Schaick, John G. Van Schaick, John D. P. Ten Eyck, Thomas Ellison, Robert R. Henry, Jacob Ja. Lansing, Theodorus V. W. Graham, Henry Cuyler, Jeremiah Van Rensselaer, John Stevenson, John McCallen, Jacob Van Der Heyden, Thomas Barry, Samuel Stringer, Abraham A. Lansing, Robert McGregor, Stephen Luth, John D. P. Douw, Barent T. Ten Eyck, Robert Henry, jun. Simeon De Witt, Thomas W. Ford, Daniel Hale, David Fonda, Isaac Hutton, William McCalland, Cornelius Glen, Leonard Gansevoort, Philip S. Van Rensselaer, John Taylor, Barent Bleecker, Abraham Hun, John Bassett, Abraham G. Lansing, Dudley Walsh, Barent G. Staats, Elkanah Watson, Harmanus P. Schuyler, Thaddeus Pomery, Hunloke Woodruff, Cornelius Van Schelleynne, James Vernon, Leonard Gansevoort, jun. John McDonald, Robert Lewis, James Van Ingen, Volkert S. Veeder, Charles D. Cooper, Philip Schuyler, John B. Schuyler, Nicholas Fonda, John N. Bleecker, John V. Henry, Stewart Deane, Peter Gansevoort, jun. Dirck Ten Broeck, John Lansing, jun. Sanders Lansing, John Robinson, John Jauncey, Sebastian Vischer, Robert Yates, Elbert Willet, Killian K. Van Rensselaer, Henry Bleecker, Henry Glen, John Ten Broeck, Richard Edwards, Francis Bloodgood, George Webster, Henry Guest, Charles R. Webster, Jacob Wright, Francis Follett, Rensselaer Westerlo, Abraham Van Veghten, John D. Dickinson, James Gordon, Elihu Chauncey Goodrich, Jacob R. Van Rensselaer, and Abraham Ten Eyck, did, by petition, represent to the legislature, that they had become subscribers to, and had associated for the purpose of establishing a public library in the city of Albany; that the said subscribers had appointed Abraham Ten Broeck, John Lansing, jun. Phillip Schuyler, Stephen Van Rensselaer, Jeremiah Van Rensselaer, Thomas Ellison, John McDonald, James Fairlie, Daniel Hale, Hunloke Woodruff, Goldbrow Banyar, and Stephen Luth, trustees for the said library, so to remain until the first Saturday in May next, with power among other things, to appoint a treasurer for the said library; that the trustees aforesaid, pursuant to the power in them vested by the said subscribers, had appointed James Van Ingen, treasurer of the said library; that each of the said subscribers, had

paid to the said treasurer, the sum of five pounds for each right such subscriber held therein, and that each of the said subscribers had by their association for the purpose aforesaid, agreed to pay to the treasurer of the said library annually, the sum of twenty shillings, for each right by them respectively held in the said library, for the term of five years, to be computed from the sixteenth day of January, one thousand seven hundred and ninety, and annually forever thereafter, the sum of ten shillings for every such right; and thereupon the said subscribers, in and by their said petition prayed, that for promoting the object of such association as aforesaid, the subscribers to the said library, might be incorporated on principles as nearly as might be correspondent with their original association, a copy whereof accompanied the said petition: Therefore, in compliance with the prayer of the said petition,

*I. Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That*

Said Ten Broeck and others, incorporated by the name of the trustees of the Albany library, &c.

the said Abraham Ten Broeck, Stephen Van Rensselaer, James Fairlie, Goldsbroow Banyar, William Van Ingen, William Banyar, Gerrit W. Van Schaick, John G. Van Schaick, John D. P. Ten Eyck, Thomas Ellison, Robert R. Henry, Jacob Ja. Lansing, Theodorus V. W. Graham, Henry Cuyler, Jeremiah Van Rensselaer, John Stevenson, John McDonald, John McClellan, Jacob Van Der Heyden, Thomas Barry, Samuel Stringer, Abraham A. Lansing, Robert McGregor, Stephen Lush, John D. P. Douw, Barent T. Ten Eyck, Robert Henry, jun. Simeon De Witt, Thomas W. Ford, Daniel Hale, David Fonda, Isaac Hutton, William McClelland, Cornelius Glen, Leonard Gansevoort, Philip S. Van Rensselaer, John Taylor, Barent Bleecker, Abraham Hun, John Bassett, Abraham G. Lansing, Dudley Walsh, Barent G. Staats, Elkanah Watson, Harmanus P. Schuyler, Thaddeus Pomeroy, Hunklo Woodruff, Cornelius Van Schelleynne, James Vernor, Leonard Gansevoort, jun. Robert Lewis, James Van Ingen, Volkert S. Veeder, Charles D. Cooper, Philip Schuyler, John B. Schuyler, Nicholas Fonda, John N. Bleecker, John V. Henry, Stewart Dean, Peter Gansevoort, jun. Dirck Ten Broeck, John Lansing, jun. Sanders Lansing, John Robison, John Jauncey, Sebastian Visscher, Robert Yates, Elbert Willet, Killian K. Van Rensselaer, Henry Bleecker, Henry Glen, John Ten Broeck, Richard Edwards, Francis Bloodgood, George Webster, Henry Guest, Charles R. Webster, Jacob Wright, Francis Follet, Rensselaer Westerlo, Abraham Van Veghten, John D. Dickenson, James Gordon, Elihu Chauncey Goodrich, Jacob R. Van Rensselaer, and Abraham Ten Eyck, and such other persons, as shall be hereafter admitted members of the corporation hereby erected, be, and hereby are ordained, constituted and declared, to be one body corporate and politic, in fact and in name, by the name of "The Trustees of the Albany Library," and by that name, they and their successors, shall and may forever hereafter, have perpetual succession, and shall and may by the same name, be persons capable in the law, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and of what kind or nature soever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also, that they and their successors, by the name of "The Trustees of the Albany Library," shall be in law, capable of purchasing, holding and conveying any estate, real or personal, for the use of

the said corporation. Provided, Such real and personal estate, at any one time held by the said trustees of the Albany library, shall not exceed the annual value of one thousand dollars, exclusive of the books, and the annual payment of the members of the said library, herein after mentioned.

II. *And be it further enabled by the authority aforesaid* That for the better carrying into execution the purpose aforesaid, there shall forever hereafter belong to the corporation of the trustees of the Albany library aforesaid, twelve trustees, who shall conduct and manage the business of the said corporation library, in the manner herein after directed and appointed, and that the said Abraham Ten Broeck, John Lansing, jun. Philip Schuyler, Stephen Van Rensselaer, Jeremiah Van Rensselaer, Thomas Ellison, John M'Donak, James Fairlie, Daniel Hale, Hunloke Woodruff, Goldbrow Banyar and Stephen Lush, be the present trustees of the said library, who shall remain in those offices until the first Saturday in May next; that there shall for ever hereafter be one chairman of the said trustees, one treasurer and one librarian, to be elected and appointed in the manner herein after mentioned, and that it shall be lawful to and for the said trustees, in their discretion whenever they shall conceive it necessary, and for the interest of the said corporation, to appoint one and the same person, both treasurer and librarian: That the said Abraham Ten Broeck, be the present chairman of the said trustees of the said library, and that the said James Van Ingen, be the present treasurer and librarian of the said library.

III. *And be it further enabled by the authority aforesaid*, That on or before the first Saturday in April next, the said trustees shall by lot be divided into two classes, each class to consist of six of the said trustees; that the officers of the first class of the said trustees, shall determine on the first Saturday in May next, and the officers of the trustees of the second class, shall determine on the first Saturday in May, in the year of our Lord, one thousand seven hundred and ninety-three, and that on the first Saturday in April next, and on the first Saturday in April in every year for ever thereafter, there shall be a general meeting of the members of the said corporation for the time being, at the City-Hall, of the city of Albany, or at some other convenient place in the said city, to be, from time to time, ascertained and fixed by the bye laws of the said corporation, and that then and there, by a majority of votes of such members as shall so meet, such members shall, by ballot, elect six trustees, so that one half of the said trustees shall be annually chosen; that any person holding more than one right in the said library, shall be entitled to one vote for each right, he or she shall so hold in the same; that the said trustees of the said library, shall annually at their first meeting, on or after the first Saturday in May, in every year as aforesaid, appoint one of the said trustees their chairman; that when, and as often as any vacancy shall happen by the death, removal, resignation or neglect to serve, of any of the said trustees, it shall be lawful for the chairman of the said trustees, or on his neglect or refusal, for any three other of the said trustees, to summon a meeting of the members at the city-hall of the said city, or at such other place, as shall have been fixed and ascertained by the bye laws of the said corporation, for the purpose of electing another person or persons, instead of such as shall so have died, removed, refused or neglected to serve as aforesaid, and that such persons so to be chosen trustees, at such meeting as last aforesaid, shall respectively remain in office during such time, as the person in whose stead each such trustee shall be chosen would have done, in case such death,

removal, refusal or neglect had not happened, and no longer; that in case of the death, removal, refusal or neglect to serve, of the chairman for the time being, it shall be lawful for the trustees of the said library, at any of their meetings, to appoint another chairman instead of the one dying, removing, refusing or neglecting to serve as aforesaid, to remain in office until the first meeting of the said trustees, after the first Saturday in May, then next; that the said trustees of the said library, shall, at every such annual general meeting of the members of the said corporation, exhibit to such members a state of the said library, the minutes of the proceedings of the trustees during the year immediately preceding such meeting, and the treasurer and librarian's accounts, stating the amount of receipts and expenditures during such year.

IV. *And be it further enacted by the authority aforesaid,*  
 That the said trustees shall have stated meetings once in every quarter in every year, at such times as the said trustees shall from time to time appoint for that purpose; that the said chairman, or any three of the trustees of the said library for the time being, shall and may from time to time, as occasion may require, summon and call together at the city-hall of the said city, or at such other place in the said city, as shall from time to time be appointed by the bye laws of the said corporation, the trustees of the said library, giving them at least two days notice of such meeting; that the chairman of, or any six or more other of the said trustees, and in

What number of trustees may form a board, and adjourn from day to day.

Powers of a board defined.

the absence of the chairman, any seven or more of the said trustees, shall form a board of trustees, and that the chairman and the other of the said trustees so met, shall respectively have one vote in the proceedings of the said trustees, that any seven or more of the said trustees, or a majority of them so met, shall have full power and authority to adjourn from day to day, or for such other time as the business of the corporation may require, and from time to time to appoint, and at their pleasure to displace a treasurer and librarian of the said library, and to appoint other or others in their stead and place, from time to time to ascertain the compensation to be allowed to the treasurer or librarian, or either of them, for their services in their stations respectively, and from time to time to regulate and appoint, to them the said treasurer and librarian, or either of them, their respective powers, trusts and duties; to direct the application of the monies belonging to the said corporation, to the purchase of such books as they shall from time to time think proper, to the providing a room or house for the safe keeping of the books of the said library, and to do, transact, manage and perform in the name of the said corporation, all and every act and acts, thing and things whatsoever, which shall be necessary to be done, and which the trustees of the Albany library aforesaid, are by virtue of this law authorised to do, and to make, frame, constitute, establish and ordain, from time to time, and at all times hereafter, such laws, constitutions, ordinances and regulations for the better government of the officers, members and servants of the said corporation; for regulating the terms upon which the books of the said library shall be lent out, both to members of the said corporation and others; for fixing and ascertaining the times and places of quarterly meetings of the said trustees; for altering, fixing and ascertaining the places of meeting of the members of the said corporation for the election of trustees; for regulating the management and disposition of the books of the said library, and the monies, funds and effects belonging to the said corporation; the transferring rights in the said library

from one person to the other, and all other the business and affairs whatsoever of the said corporation, as they or the major part of them so legally met, shall judge best for the general good of the said corporation, and for the more effectual promoting, increasing and preserving the said library, and the same or any of them to alter, amend and repeal; or from time to time, as they or the major part of them so met shall think proper. Provided, such laws, constitutions, regulations and ordinances be not repugnant to the law of this state.

*V. And be it further enacted by the authority aforesaid* That it shall and may be lawful to and for each and every of the members for the time being, of the said corporation, his and her executors, administrators and assigns, to give, sell, alien, assign, devise or dispose of their respective rights in the said library, and that their respective assigns shall be members of the said corporation, and shall be entitled to all and every the same rights and privileges in the said library, and in the said corporation, as the members this act named are entitled to by virtue of this act. Provided always, That a part of a right in the said library, shall not entitle the proprietor or owner thereof to any privilege whatsoever in the said library or corporation.

*VI. And be it further enacted by the authority aforesaid* That it shall and may be lawful at such meeting of seven or more of the said trustees of the library for the time being, or for the major part of them so met, to make any bye laws, constitutions or ordinances of the said corporation, to admit under the common seal of the said corporation, such and so many persons members of the said corporation, as they shall think beneficial to the said library, which members so admitted, shall be entitled to have, hold and enjoy all and every of the same rights and privileges as the members herein particularly named are entitled to by virtue of this act.

*VII. And be it further enacted by the authority aforesaid* That each and every of the members of the said corporation for the time being, shall, on or before the first Tuesday in January, in every of the five next succeeding years, to be computed from the first day of January now last past, pay to the treasurer of the said library for the use of the said corporation, the sum of twenty shillings for each right such members respectively hold in the said library, and from and after the expiration of the said five years, the sum of ten shillings for each right, such members respectively hold in the said library, on or before the first Tuesday of January in every year for ever thereafter; and that in case any of the said annual sums, or any other sum which of right shall become due to the corporation from any of its members, shall at any time or times hereafter, be in arrear and unpaid, by and for the space of forty days next after any of the days on which the same ought to be paid, that then the person or persons from whom the same shall be due and payable, shall be precluded from exercising any of the privileges to which he became entitled by virtue of his becoming a member of the said corporation, until such sums shall be fully satisfied, and if such payment shall not be made within five years after any such sums shall become due as aforesaid, that then and after the expiration of five years from the time such payment shall become due, the person or persons from whom the same shall become due and payable, shall thereupon forfeit and be utterly excluded from all his, her or their rights and privileges in the said library and corporation.

Members of the said corporation may transfer their rights, and their assigns to be entitled to all their rights.

A board, when met, may admit, under their seal, as many new members as they shall think proper.

The yearly sum each member is to pay to the treasurer.



If the trustees are not elected on the day by law appointed, the corporation shall not for that reason be dissolved.

VIII. *And be it further enacted by the authority aforesaid,* That in case it should happen, that an election of trustees should not be made on any day when pursuant to this act it ought to have been made, the said corporation, shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation.

#### C H A P. XIV.

*An ACT for the Relief of Anna Margaretta Whitman,*

Passed 24th February, 1792.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all the right and title of the people of this state, of, in and to all those two lots of land, lying and being in the seventh ward, formerly the out ward of the city of New-York, which were conveyed by the commissioners of forfeitures for the southern district of this state, by a deed dated the fifteenth day of December, in the year one thousand seven hundred and eighty-four, to Jacob Whitman, shall be, and hereby is granted to and vested in Anna Margaretta Whitman, the widow of the said Jacob Whitman, her heirs and assigns, to and for her and their own proper use and benefit for ever. Provided always, That the said Anna Margaretta Whitman shall be, and is hereby made liable to and chargeable with the payment of all debts which the said Jacob Whitman owed at the time of his death, not exceeding the value of the said premises, in the same manner as if he was his heir and devisee, and in all actions against her for any such debt, the value of the premises shall be considered as assets in her hands.

#### C H A P. XV.

*An ACT for the benefit of the Shinecock Tribe of Indians, residing in Suffolk County.*

Passed 24th February, 1792.

**I. B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the male Indians, of twenty-one years of age and upwards, belonging to the Shinecock Tribe in Suffolk county, to meet together on the first Tuesday in April next, and on the first Tuesday in April in every year thereafter, at the place for holding town meetings in the town of Southampton, and there by plurality of voices, to choose three persons belonging to the said tribe as trustees, who by and with the consent of three justices of the peace, residing next to the lands of the said Shinecock Tribe, are hereby authorized and empowered, from time to time, to lease out so much of the said lands as they shall judge proper for the use of the said tribe, and for any term not exceeding three years, and to lay out and appropriate such quantity of the said land to each family or individual as shall be judged necessary for his or their improvement.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerk of the town of Southampton, annually to attend and

preside at the meeting of the said Indians, for choosing the said trustees, and to enter in a book to be by him kept for that purpose, the names of the persons who shall be so chosen trustees as aforesaid.

III. *And be it further enacted by the authority aforesaid, That if any person or persons whomsoever, shall plough or otherwise improve, any of the lands belonging to the said tribe, without the consent of a majority of the said trustees, and a majority of the said justices, first had and obtained in writing, and entered in the book herein directed to be kept by the said clerk, such person or persons shall severally forfeit the sum of forty shillings for every acre so occupied, notwithstanding he or they may have obtained licence to improve the said land, or any part thereof, from any Indian or Indians of the said tribe, other than in manner aforesaid, and shall be subject to pay such forfeiture to the said justices, for the use of the said tribe, to be recovered, with costs of suit, in their own names, in any court having cognizance of the same.*

C H A P .   X V I .

*An ACT to stay Proceedings on an Information in the Supreme Court against George Palmer.*

Passed 2d March, 1792.

**W**HEREAS it appears to the legislature, that an information hath been filed by the late attorney-general, in behalf of the people of this state, against George Palmer, of Stillwater, yeoman, for erecting two ledges and two dams near Stillwater, in Hudson's river : And whereas, sundry inhabitants of the towns of Stillwater, Halfmoon, Saratoga, and Easton, have, by their petitions presented to the legislature, prayed that all proceedings on the said information be stayed : Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, That all further proceedings, on the information aforesaid, shall be stayed, and be no farther prosecuted until the further order of the legislature. Provided always, That nothing in this act contained, shall be construed so as to prevent any person or persons, from prosecuting any suit or suits, for any private injury or damage they may conceive or suppose they have sustained, by means of the said ledges and dams.*

C H A P .   X V I I .

*An ACT for the Relief of such Towns as have, or hereafter shall support certain Persons manumitted by the State.*

Passed 2d March, 1792.

**W**HEREAS, in and by an act entitled, " An act for the speedy sale of the confiscated and forfeited estates within this state, and for other purposes therein mentioned," the commissioners of forfeitures, or either of them, were directed, out of any monies which might come into his or their hands for rents, to make suitable provision for the support and maintenance of any slave or slaves who should be found unable to support themselves, and who belonged to, and had not been disposed of by any person or persons whose respective estates had become confiscated or forfeited to the people of this state : And whereas the powers of the said commissioners of forfeitures have ceased, and no relief can be obtained for the support of such slaves : Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the treasurer to pay unto the overseers of the poor of any town, such sum and sums of money as they already have expended, or hereafter may expend, in the support and maintenance of any such slave or slaves as aforesaid, or of any such slave or slaves who were the property of any person whose estate hath been confiscated or forfeited, and were such at the time of such confiscation or forfeiture, and who have since that time resided, and do now reside within this state. Provided always, That they have been, or hereafter shall be supported and maintained in like manner as other poor of the towns where they have been, or hereafter shall happen to be, are maintained. And provided also, That the overseers of every such town, who have supported such slave or slaves, as the poor of such town, or shall hereafter in like manner support such slave or slaves, shall produce their certificate thereof, certified by the supervisor and justices of such town, or the supervisor and a majority of such justices, and their account of such expenditures as aforesaid, examined and certified by the auditor of the state.*

C H A P. XVIII.

*An ACT for dividing the Town of Ball's Town, in the County of Saratoga, into four Towns.*

Passed 7th March, 1792.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the first Monday of April next, all that part of the town of Ball's town bounded as follows, to wit, beginning in the south-east corner of the fourteenth allotment, in the general division of the patent of Kayaderoseres, and running thence west, along the south bounds of the said allotment, to the middle of the south bounds of the lot number nine, in the subdivision of the allotment aforesaid, thence running due north, to the north bounds of the county of Saratoga, thence easterly to the town of Saratoga, thence southerly, along the bounds of the said town of Saratoga, to the place of beginning, be erected into a town by the name of Milton; and that all that part of the said Ball's town, bounded as follows, to wit, beginning at the south-west corner of the said town of Milton, thence running west along the south bounds of the said fourteenth allotment, to the line of the county of Montgomery, thence north along the said line of the said county of Montgomery, to the north-west corner of Saratoga county, thence easterly along the north bounds of Saratoga county to the north-west corner of the town of Milton aforesaid, thence south along the town of Milton aforesaid to the place of beginning, be erected into a town by the name of Galway; and that all that part of the said Ball's town, bounded as follows, to wit, beginning at the south-west corner of the town of Milton, and running thence south to the north bounds of the county of Albany, thence westerly along the said north bounds to Montgomery county, thence north along the east bounds thereof to the south-west corner of the town of Galway aforesaid, thence east to the place of beginning, be erected into a town by the name of Charlton; and that all the remaining part of the said town of Ball's town be and remain as the town of Ballston. Provided nevertheless, That nothing herein contained shall be construed to affect the private rights of any individuals.*

the sum of forty shillings, to be recovered by action of debt, with costs, in the name of the clerk of the town in which such offence was committed; and the said clerk is hereby required to sue for the same.

XIV. *And be it further enacted*, That the act entitled, "An act for the better laying out, regulating, and keeping in repair, all common and public highways and private roads in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany, and Montgomery, passed the 4th of May, 1784, and the act entitled, "An act to amend the aforesaid act, passed the 20th of April, 1787, so far as they respect the county of Westchester, be, and they are hereby repealed. Nevertheless, The said acts are hereby declared to extend to, and be in full force and effect in the counties of Columbia, Ontario, Clinton, Herkemer, Saratoga, Otsego, Tioga, and Rensselaer.

C H A P. XIII.

*An ACT to incorporate the Trustees of the Albany Library.*

Passed 24th February, 1792.

Preamble, reciting that Abraham Ten Broeck and others, trustees of the Albany library, had prayed to be incorporated.

WHEREAS Abraham Ten Broeck, Stephen Van Rensselaer, James Fairlie, Goldbrow Banyar, William Van Ingen, William Banyar, Gerrit W. Van Schaick, John G. Van Schaick, John D. P. Ten Eyck, Thomas Ellison, Robert R. Henry, Jacob J. Lansing, Theodorus V. W. Graham, Henry Cuyler, Jeremiah Van Rensselaer, John Stevenson, John McCallen, Jacob Van Der Heyden, Thomas Barry, Samuel Stringer, Abraham A. Lansing, Robert McGregor, Stephen Lush, John D. P. Douw, Barent T. Ten Eyck, Robert Henry, jun. Simeon De Witt, Thomas W. Ford, Daniel Hale, David Fonda, Isaac Hutton, William McCalland, Cornelius Glen, Leonard Gansevoort, Philip S. Van Rensselaer, John Taylor, Barent Bleecker, Abraham Hun, John Bassett, Abraham G. Lansing, Dudley Walsh, Barent G. Staats, Elkanah Watson, Harmanus P. Schuyler, Thaddeus Pomery, Hunloke Woodruff, Cornelius Van Schelleynne, James Vernon, Leonard Gansevoort, jun. John McDonald, Robert Lewis, James Van Ingen, Volkert S. Veeder, Charles D. Cooper, Philip Schuyler, John B. Schuyler, Nicholas Fonda, John N. Bleecker, John V. Henry, Stewart Deane, Peter Gansevoort, jun. Dirck Ten Broeck, John Lansing, jun. Sanders Lansing, John Robinson, John Jauncey, Sebastian Vischer, Robert Yates, Elbert Willet, Killian K. Van Rensselaer, Henry Bleecker, Henry Glen, John Ten Broeck, Richard Edwards, Francis Bloodgood, George Webster, Henry Guest, Charles R. Webster, Jacob Wright, Francis Follett, Rensselaer Westerlo, Abraham Van Veghten, John D. Dickinson, James Gordon, Elihu Chauncey Goodrich, Jacob R. Van Rensselaer, and Abraham Ten Eyck, did, by petition, represent to the legislature, that they had become subscribers to, and had associated for the purpose of establishing a public library in the city of Albany; that the said subscribers had appointed Abraham Ten Broeck, John Lansing, jun. Phillip Schuyler, Stephen Van Rensselaer, Jeremiah Van Rensselaer, Thomas Ellison, John McDonald, James Fairlie, Daniel Hale, Hunloke Woodruff, Goldbrow Banyar, and Stephen Lush, trustees for the said library, so to remain until the first Saturday in May next, with power among other things, to appoint a treasurer for the said library; that the trustees aforesaid, pursuant to the power in them vested by the said subscribers, had appointed James Van Ingen, treasurer of the said library; that each of the said subscribers, had

paid to the said treasurer, the sum of five pounds for each right such subscriber held therein, and that each of the said subscribers had by their association for the purpose aforesaid, agreed to pay to the treasurer of the said library annually, the sum of twenty shillings, for each right by them respectively held in the said library, for the term of five years, to be computed from the sixteenth day of January, one thousand seven hundred and ninety, and annually forever thereafter, the sum of ten shillings for every such right; and thereupon the said subscribers, in and by their said petition prayed, that for promoting the object of such association as aforesaid, the subscribers to the said library, might be incorporated on principles as nearly as might be correspondent with their original association, a copy whereof accompanied the said petition: Therefore, in compliance with the prayer of the said petition.

*I. Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That*

Said Ten Broeck and others, incorporated by the name of the trustees of the Albany library, &c.

the said Abraham Ten Broeck, Stephen Van Rensselaer, James Fairlie, Goldsbrov Banyar, William Van Ingen, William Banyar, Gerrit W. Van Schaick, John G. Van Schaick, John D. P. Ten Eyck, Thomas Ellison, Robert R. Henry, Jacob Ja. Lansing, Theodorus V. W. Graham, Henry Cuyler, Jeremiah Van Rensselaer, John Stevenson, John McDonald, John McClellan, Jacob Van Der Heyden, Thomas Barry, Samuel Stringer, Abraham A. Lansing, Robert McGregor, Stephen Lush, John D. P. Douw, Barent T. Ten Eyck, Robert Henry, jun. Simeon De Witt, Thomas W. Ford, Daniel Hale, David Fonda, Isaac Hutton, William McClelland, Cornelius Glen, Leonard Gansevoort, Philip S. Van Rensselaer, John Taylor, Barent Bleecker, Abraham Hun, John Bassett, Abraham G. Lansing, Dudley Walsh, Barent G. Staats, Elkanah Watson, Harmanus P. Schuyler, Thaddeus Pomeroy, Hunkelo Woodruff, Cornelius Van Schelleyn, James Vernor, Leonard Gansevoort, jun. Robert Lewis, James Van Ingen, Volkert S. Veeder, Charles D. Cooper, Philip Schuyler, John B. Schuyler, Nicholas Fonda, John N. Bleecker, John V. Henry, Stewart Dean, Peter Gansevoort, jun. Dirck Ten Broeck, John Lansing, jun. Sanders Lansing, John Robison, John Jauncey, Sebastian Visscher, Robert Yates, Elbert Willet, Killian K. Van Rensselaer, Henry Bleecker, Henry Glen, John Ten Broeck, Richard Edwards, Francis Bloodgood, George Webster, Henry Guest, Charles R. Webster, Jacob Wright, Francis Follet, Rensselaer Westerlo, Abraham Van Veghten, John D. Dickenson, James Gordon, Elihu Chauncey Goodrich, Jacob R. Van Rensselaer, and Abraham Ten Eyck, and such other persons, as shall be hereafter admitted members of the corporation hereby erected, be, and hereby are ordained, constituted and declared, to be one body corporate and politic, in fact and in name, by the name of "The Trustees of the Albany Library," and by that name, they and their successors, shall and may forever hereafter, have perpetual succession, and shall and may by the same name, be persons capable in the law, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and of what kind or nature soever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also, that they and their successors, by the name of "The Trustees of the Albany Library," shall be in law, capable of purchasing, holding and conveying any estate, real or personal, for the use of

the said corporation. Provided, Such real and personal estate, at any one time held by the said trustees of the Albany library, shall not exceed the annual value of one thousand dollars, exclusive of the books, and the annual payment of the members of the said library, herein after mentioned.

II. *And be it further enacted by the authority aforesaid* That for the better carrying into execution the purpose aforesaid, there shall forever hereafter belong to the corporation of the trustees of the Albany library aforesaid, twelve trustees, who shall conduct and manage the business of the said corporation library, in the manner herein after directed and appointed, and that the said Abraham Ten Broeck, John Lansing, jun. Philip Schuyler, Stephen Van Rensselaer, Jeremiah Van Rensselaer, Thomas Ellison, John M'Donald, James Fairlie, Daniel Hale, Hunloke Woodruff, Golfbrow Banyar and Stephen Lush, be the present trustees of the said library, who shall remain in those offices until the first Saturday in May next; that there shall for ever hereafter be one chairman of the said trustees, one treasurer and one librarian, to be elected and appointed in the manner herein after mentioned, and that it shall be lawful to and for the said trustees, in their discretion whenever they shall conceive it necessary, and for the interest of the said corporation, to appoint one and the same person, both treasurer and librarian: That the said Abraham Ten Broeck, be the present chairman of the said trustees of the said library, and that the said James Van Ingen, be the present treasurer and librarian of the said library.

III. *And be it further enacted by the authority aforesaid*, That on or before the first Saturday in April next, the said trustees shall by lot be divided into two classes, each class to consist of six of the said trustees; that the offices of the first class of the said trustees, shall determine on the first Saturday in May next, and the offices of the trustees of the second class, shall determine on the first Saturday in May, in the year of our Lord, one thousand seven hundred and ninety-three, and that on the first Saturday in April next, and on the first Saturday in April in every year for ever thereafter, there shall be a general meeting of the members of the said corporation for the time being, at the City-Hall, of the city of Albany, or at some other convenient place in the said city, to be, from time to time, ascertained and fixed by the bye laws of the said corporation, and that then and there, by a majority of votes of such members as shall so meet, such members shall, by ballot, elect six trustees, so that one half of the said trustees shall be annually chosen; that any person holding more than one right in the said library, shall be entitled to one vote for each right, he or she shall so hold in the same; that the said trustees of the said library, shall annually at their first meeting, on or after the first Saturday in May, in every year as aforesaid, appoint one of the said trustees their chairman; that when, and as often as any vacancy shall happen by the death, removal, resignation or neglect to serve, of any of the said trustees, it shall be lawful for the chairman of the said trustees, or on his neglect or refusal, for any three other of the said trustees, to summon a meeting of the members at the city-hall of the said city, or at such other place, as shall have been fixed and ascertained by the bye laws of the said corporation, for the purpose of electing another person or persons, instead of such as shall so have died, removed, refused or neglected to serve as aforesaid, and that such persons so to be chosen trustees, at such meeting as last aforesaid, shall respectively remain in office during such time, as the person in whose stead each such trustee shall be chosen would have done, in case such death,

removal, refusal or neglect had not happened, and no longer; that in case of the death, removal, refusal or neglect to serve, of the chairman for the time being, it shall be lawful for the trustees of the said library, at any of their meetings, to appoint another chairman instead of the one dying, removing, refusing or neglecting to serve as aforesaid, to remain in office until the first meeting of the said trustees, after the first Saturday in May, then next; that the said trustees of the said library, shall, at every such annual general meeting of the members of the said corporation, exhibit to such members a state of the said library, the minutes of the proceedings of the trustees during the year immediately preceding such meeting, and the treasurer and librarian's accounts, stating the amount of receipts and expenditures during such year.

IV. *Aid be it further enacted by the authority aforesaid,*  
Trustees to have That the said trustees shall have stated meetings once in  
stated quarterly meet- every quarter in every year, at such times as the said trust-  
ings. tees shall from time to time appoint for that purpose; that the said chairman,  
 or any three of the trustees of the said library for the time being, shall and  
 may from time to time, as occasion may require, summon and call together  
 at the city-hall of the said city, or at such other place in the said city, as shall  
 from time to time be appointed by the bye laws of the said corporation, the  
 trustees of the said library, giving them at least two days notice of such meet-  
 ing; that the chairman of, or any six or more other of the said trustees, and in  
 the absence of the chairman, any seven or more of the said

trustees, shall form a board of trustees, and that the chair-  
 man and the other of the said trustees so met, shall respective-  
 ly have one vote in the proceedings of the said trustees, that  
 any seven or more of the said trustees, or a majority of them  
 so met, shall have full power and authority to adjourn from

day to day, or for such other time as the business of the corporation may re-  
 quire, and from time to time to appoint, and at their pleasure to displace a  
 treasurer and librarian of the said library, and to appoint other or others in  
 their stead and place, from time to time to ascertain the compensation to be al-  
 lowed to the treasurer or librarian, or either of them, for their services in their  
 stations respectively, and from time to time to regulate and appoint, to them  
 the said treasurer and librarian, or either of them, their respective powers,  
 trusts and duties; to direct the application of the monies belonging to the  
 said corporation, to the purchase of such books as they shall from time to  
 time think proper, to the providing a room or house for the safe keeping of  
 the books of the said library, and to do, transact, manage and perform in  
 the name of the said corporation, all and every act and acts, thing and things  
 whatsoever, which shall be necessary to be done, and which the trustees of the  
 Albany library aforesaid, are by virtue of this law authorised to do, and to  
 make, frame, constitute, establish and ordain, from time to time, and at all times  
 hereafter, such laws, constitutions, ordinances and regulations for the better  
 government of the officers, members and servants of the said corporation;  
 for regulating the terms upon which the books of the said library shall be  
 lent out, both to members of the said corporation and others; for fixing and  
 ascertaining the times and places of quarterly meetings of the said trustees; for  
 altering, fixing and ascertaining the places of meeting of the members of the  
 said corporation for the election of trustees; for regulating the management and  
 disposition of the books of the said library, and the monies, funds and effects  
 belonging to the said corporation; the transferring rights in the said library

from one person to the other, and all other the business and affairs whatsoever of the said corporation, as they or the major part of them so legally met, shall judge best for the general good of the said corporation, and in the more effectual promoting, increasing and preserving the said library, and the same or any of them to alter, amend and repeal; or from time to time, as they or the major part of them so met shall think proper. Provided, that laws, constitutions, regulations and ordinances be not repugnant to the law of this state.

*V. And be it further enacted by the authority aforesaid* That it shall and may be lawful to and for each and every of the members for the time being, of the said corporation, his and her executors, administrators and assigns, to give, sell, alien, assign, devise or dispose of their respective rights in the said library, and that their respective assigns shall be members of the said corporation, and shall be entitled to all and every the same rights and privileges in the said library, and in the said corporation, as the members this act named are entitled to by virtue of this act. Provided always, That a part of a right in the said library, shall not entitle the proprietor or owner thereof to any privilege whatsoever in the said library or corporation.

*VI. And be it further enacted by the authority aforesaid* That it shall and may be lawful at such meeting of seven or more of the said trustees of the library for the time being, or for the major part of them so met, to make any bye laws, constitutions or ordinances of the said corporation, to admit under the common seal of the said corporation, such and so many persons members of the said corporation, as they shall think beneficial to the said library, which members so admitted, shall be entitled to have, hold and enjoy all and every of the same rights and privileges as the members herein particularly named are entitled to by virtue of this act.

*VII. And be it further enacted by the authority aforesaid* That each and every of the members of the said corporation for the time being, shall, on or before the first Tuesday in January, in every of the five next succeeding years, to be computed from the first day of January now last past, pay to the treasurer of the said library for the use of the said corporation, the sum of twenty shillings for each right such members respectively hold in the said library, and from and after the expiration of the said five years, the sum of ten shillings for each right, such members respectively hold in the said library, on or before the first Tuesday of January in every year for ever thereafter; and that in case any of the said annual sums, or any other sum which of right shall become due to the corporation from any of its members, shall at any time or times hereafter, be in arrear and unpaid, by and for the space of forty days next after any of the days on which the same ought to be paid, that then the person or persons from whom the same shall be due and payable, shall be precluded from exercising any of the privileges to which he became entitled by virtue of his becoming a member of the said corporation, until such sums shall be fully satisfied, and if such payment shall not be made within five years after any such sums shall become due as aforesaid, that then and after the expiration of five years from the time such payment shall become due, the person or persons from whom the same shall become due and payable, shall thereupon forfeit and be utterly excluded from all his, her or their rights and privileges in the said library and corporation.

Members of the said corporation may transfer their rights, and their assigns to be entitled to all their rights.

A board, when met, may admit, under their seal, as many new members as they shall think proper.

The yearly sum each member is to pay to the treasurer.



If the trustees are not elected on the day by law appointed, the corporation shall not in that reason be dissolved.

VIII. *And be it further enacted by the authority aforesaid,* That in case it should happen, that an election of trustees should not be made on any day when pursuant to this act it ought to have been made, the said corporation, shall not be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation.

C H A P. XIV.

*An ACT for the Relief of Anna Margarett Whitman,*

Passed 24th February, 1792.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all the right and title of the people of this state, of, in and to all those two lots of land, lying and being in the seventh ward, formerly the out ward of the city of New-York, which were conveyed by the commissioners of forfeitures for the southern district of this state, by a deed dated the fifteenth day of December, in the year one thousand seven hundred and eighty-four, to Jacob Whitman, shall be, and hereby is granted to and vested in Anna Margarett Whitman, the widow of the said Jacob Whitman, her heirs and assigns, to and for her and their own proper use and benefit for ever. Provided always, That the said Anna Margarett Whitman shall be, and is hereby made liable to and chargeable with the payment of all debts which the said Jacob Whitman owed at the time of his death, not exceeding the value of the said premises, in the same manner as if she was his heir and devisee, and in all actions against her for any such debt, the value of the premises shall be considered as assets in her hands.

C H A P. XV.

*An ACT for the benefit of the Shinecock Tribe of Indians, residing in Suffolk County.*

Passed 24th February, 1792.

**I.** **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the male Indians, of twenty-one years of age and upwards, belonging to the Shinecock Tribe in Suffolk county, to meet together on the first Tuesday in April next, and on the first Tuesday in April in every year thereafter, at the place for holding town meetings in the town of Southampton, and there by plurality of voices, to choose three persons belonging to the said tribe as trustees, who by and with the consent of three justices of the peace, residing next to the lands of the said Shinecock Tribe, are hereby authorized and empowered, from time to time, to lease out so much of the said lands as they shall judge proper for the use of the said tribe, and for any term not exceeding three years, and to lay out and appropriate such quantity of the said land to each family or individual as shall be judged necessary for his or their improvement.

**II.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerk of the town of Southampton, annually to attend and

preside at the meeting of the said Indians, for choosing the said trustees, and to enter in a book to be by him kept for that purpose, the names of the persons who shall be so chosen trustees as aforesaid.

III. *And be it further enacted by the authority aforesaid, That if any person or persons whomsoever, shall plough or otherwise improve, any of the lands belonging to the said tribe, without the consent of a majority of the said trustees, and a majority of the said justices, first had and obtained in writing, and entered in the book herein directed to be kept by the said clerk, such person or persons shall severally forfeit the sum of forty shillings for every acre so occupied, notwithstanding he or they may have obtained license to improve the said land, or any part thereof, from any Indian or Indians of the said tribe, other than in manner aforesaid, and shall be subject to pay such forfeiture to the said justices, for the use of the said tribe, to be recovered, with costs of suit, in their own names, in any court having cognizance of the same.*

#### C H A P. XVI.

*An ACT to stay Proceedings on an Information in the Supreme Court against George Palmer.*

Passed 2d March, 1792.

**W**HEREAS it appears to the legislature, that an information hath been filed by the late attorney-general, in behalf of the people of this state, against George Palmer, of Stillwater, yeoman, for erecting two ledges and two dams near Stillwater, in Hudson's river : And whereas, sundry inhabitants of the towns of Stillwater, Halfmoon, Saratoga, and Easton, have, by their petitions presented to the legislature, prayed that all proceedings on the said information be stayed : Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, That all further proceedings, on the information aforesaid, shall be stayed, and be no farther prosecuted until the further order of the legislature. Provided always, That nothing in this act contained, shall be construed so as to prevent any person or persons, from prosecuting any suit or suits, for any private injury or damage they may conceive or suppose they have sustained, by means of the said ledges and dams.*

#### C H A P. XVII.

*An ACT for the Relief of such Towns as have, or hereafter shall support certain Persons manumitted by the State.*

Passed 2d March, 1792.

**W**HEREAS, in and by an act entitled, " An act for the speedy sale of the confiscated and forfeited estates within this state, and for other purposes therein mentioned," the commissioners of forfeitures, or either of them, were directed, out of any monies which might come into his or their hands for rents, to make suitable provision for the support and maintenance of any slave or slaves who should be found unable to support themselves, and who belonged to, and had not been disposed of by any person or persons whose respective estates had become confiscated or forfeited to the people of this state : And whereas the powers of the said commissioners of forfeitures have ceased, and no relief can be obtained for the support of such slaves : Therefore,

*Be it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same, That it shall and may be lawful for the treasurer to pay unto the overseers of the poor of any town, such sum and sums of money as they already have expended, or hereafter may expend, in the support and maintenance of any such slave or slaves as aforesaid, or of any such slave or slaves who were the property of any person whose estate hath been confiscated or forfeited, and were such at the time of such confiscation or forfeiture, and who have since that time resided, and do now reside within this state. Provided always, That they have been, or hereafter shall be supported and maintained in like manner as other poor of the towns where they have been, or hereafter shall happen to be, are maintained. And provided also, That the overseers of every such town, who have supported such slave or slaves, as the poor of such town, or shall hereafter in like manner support such slave or slaves, shall produce their certificate thereof, certified by the supervisor and justices of such town, or the supervisor and a majority of such justices, and their account of such expenditures as aforesaid, examined and certified by the auditor of the state.*

## C H A P. XVIII.

*An ACT for dividing the Town of Ball's Town, in the County of Saratoga, into four Towns.*

Passed 7th March, 1792.

**I.** *BE it enabled by the people of the state of New-York, represented in senate and assembly, That from and after the first Monday of April next, all that part of the town of Ball's town bounded as follows, to wit, beginning in the south-east corner of the fourteenth allotment, in the general division of the patent of Kayaderoseres, and running thence west, along the south bounds of the said allotment, to the middle of the south bounds of the lot number nine, in the subdivision of the allotment aforesaid, thence running due north, to the north bounds of the county of Saratoga, thence easterly to the town of Saratoga, thence southerly, along the bounds of the said town of Saratoga, to the place of beginning, be erected into a town by the name of Milton; and that all that part of the said Ball's town, bounded as follows, to wit, beginning at the south-west corner of the said town of Milton, thence running west along the south bounds of the said fourteenth allotment, to the line of the county of Montgomery, thence north along the said line of the said county of Montgomery, to the north-west corner of Saratoga county, thence easterly along the north bounds of Saratoga county to the north-west corner of the town of Milton aforesaid, thence south along the town of Milton aforesaid to the place of beginning, be erected into a town by the name of Galway; and that all that part of the said Ball's town, bounded as follows, to wit, beginning at the south-west corner of the town of Milton, and running thence south to the north bounds of the county of Albany, thence westerly along the said north bounds to Montgomery county, thence north along the east bounds thereof to the south-west corner of the town of Galway aforesaid, thence east to the place of beginning, be erected into a town by the name of Charlton; and that all the remaining part of the said town of Ball's town be and remain as the town of Ballston. Provided nevertheless, That nothing herein contained shall be construed to affect the private rights of any individuals.*

the said corporation. Provided, Such real and personal estate, at any one time held by the said trustees of the Albany library, shall not exceed the annual value of one thousand dollars, exclusive of the books, and the annual payment of the members of the said library, herein after mentioned.

II. *And be it further enacted by the authority aforesaid,* That for the better carrying into execution the purpose aforesaid, there shall forever hereafter belong to the corporation of the trustees of the Albany library aforesaid, twelve trustees, who shall conduct and manage the business of the said corporation library, in the manner herein after directed and appointed, and that the said Abraham Ten Broeck, John Lansing, jun. Philip Schuyler, Stephen Van Rensselaer, Jeremiah Van Rensselaer, Thomas Ellison, John M'Donald, James Fairlie, Daniel Hale, Hunloke Woodruff, Golbrow Banyar and Stephen Lush, be the present trustees of the said library, who shall remain in those offices until the first Saturday in May next; that there shall for ever hereafter be one chairman of the said trustees, one treasurer and one librarian, to be elected and appointed in the manner herein after mentioned, and that it shall be lawful to and for the said trustees, in their discretion whenever they shall conceive it necessary, and for the interest of the said corporation, to appoint one and the same person, both treasurer and librarian: That the said Abraham Ten Broeck, be the present chairman of the said trustees of the said library, and that the said James Van Ingen, be the present treasurer and librarian of the said library.

III. *And be it further enacted by the authority aforesaid,* That on or before the first Saturday in April next, the said trustees shall by lot be divided into two classes, each class to consist of six of the said trustees; that the offices of the first class of the said trustees, shall determine on the first Saturday in May next, and the offices of the trustees of the second class, shall determine on the first Saturday in May, in the year of our Lord, one thousand seven hundred and ninety-three, and that on the first Saturday in April next, and on the first Saturday in April in every year for ever thereafter, there shall be a general meeting of the members of the said corporation for the time being, at the City-Hall, of the city of Albany, or at some other convenient place in the said city, to be, from time to time, ascertained and fixed by the bye laws of the said corporation, and that then and there, by a majority of votes of such members as shall so meet, such members shall, by ballot, elect six trustees, so that one half of the said trustees shall be annually chosen; that any person holding more than one right in the said library, shall be entitled to one vote for each right, he or she shall so hold in the same; that the said trustees of the said library, shall annually at their first meeting, on or after the first Saturday in May, in every year as aforesaid, appoint one of the said trustees their chairman; that when, and as often as any vacancy shall happen by the death, removal, resignation or neglect to serve, of any of the said trustees, it shall be lawful for the chairman of the said trustees, or on his neglect or refusal, for any three other of the said trustees, to summon a meeting of the members at the city-hall of the said city, or at such other place, as shall have been fixed and ascertained by the bye laws of the said corporation, for the purpose of electing another person or persons, instead of such as shall so have died, removed, refused or neglected to serve as aforesaid, and that such persons so to be chosen trustees, at such meeting as last aforesaid, shall respectively remain in office during such time, as the person in whose stead each such trustee shall be chosen would have done, in case such death,

removal, refusal or neglect had not happened, and no longer; that in case of the death, removal, refusal or neglect to serve, of the chairman for the time being, it shall be lawful for the trustees of the said library, at any of their meetings, to appoint another chairman instead of the one dying, removing, refusing or neglecting to serve as aforesaid, to remain in office until the first meeting of the said trustees, after the first Saturday in May, then next; that the said trustees of the said library, shall, at every such annual general meeting of the members of the said corporation, exhibit to such members a state of the said library, the minutes of the proceedings of the trustees during the year immediately preceding such meeting, and the treasurer and librarian's accounts, stating the amount of receipts and expenditures during such year.

IV. *And be it further enacted by the authority aforesaid,*

Trustees to have stated quarterly meetings.

That the said trustees shall have stated meetings once in every quarter in every year, at such times as the said trustees shall from time to time appoint for that purpose; that the said chairman, or any three of the trustees of the said library for the time being, shall and may from time to time, as occasion may require, summon and call together at the city-hall of the said city, or at such other place in the said city, as shall from time to time be appointed by the bye laws of the said corporation, the trustees of the said library, giving them at least two days notice of such meeting; that the chairman of, or any six or more other of the said trustees, and in

What number of trustees may form a board, and adjourn from day to day.

Powers of a board defined.

the absence of the chairman, any seven or more of the said trustees, shall form a board of trustees, and that the chairman and the other of the said trustees so met, shall respectively have one vote in the proceedings of the said trustees, that any seven or more of the said trustees, or a majority of them so met, shall have full power and authority to adjourn from day to day, or for such other time as the business of the corporation may require, and from time to time to appoint, and at their pleasure to displace a treasurer and librarian of the said library, and to appoint other or others in their stead and place, from time to time to ascertain the compensation to be allowed to the treasurer or librarian, or either of them, for their services in their stations respectively, and from time to time to regulate and appoint, to them the said treasurer and librarian, or either of them, their respective powers, trusts and duties; to direct the application of the monies belonging to the said corporation, to the purchase of such books as they shall from time to time think proper, to the providing a room or house for the safe keeping of the books of the said library, and to do, transact, manage and perform in the name of the said corporation, all and every act and acts, thing and things whatsoever, which shall be necessary to be done, and which the trustees of the Albany library aforesaid, are by virtue of this law authorized to do, and to make, frame, constitute, establish and ordain, from time to time, and at all times hereafter, such laws, constitutions, ordinances and regulations for the better government of the officers, members and servants of the said corporation; for regulating the terms upon which the books of the said library shall be lent out, both to members of the said corporation and others; for fixing and ascertaining the times and places of quarterly meetings of the said trustees; for altering, fixing and ascertaining the places of meeting of the members of the said corporation for the election of trustees; for regulating the management and disposition of the books of the said library, and the monies, funds and effects belonging to the said corporation; the transferring rights in the said library

from one person to the other, and all other the business and affairs whatsoever of the said corporation, as they or the major part of them so legally met, shall judge best for the general good of the said corporation, and for the more effectual promoting, increasing and preserving the said library, and the same or any of them to alter, amend and repeal; or from time to time, as they or the major part of them so met shall think proper. Provided, such laws, constitutions, regulations and ordinances be not repugnant to the laws of this State.

*V. And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for each and every of the members for the time being, of the said corporation, his and her executors, administrators and assigns, to give, sell, alien, assign, devise or dispose of their respective rights in the said library, and that their respective assigns shall be members of the said corporation, and shall be entitled to all and every the same rights and privileges in the said library, and in the said corporation, as the members in this act named are entitled to by virtue of this act. Provided always, That a part of a right in the said library, shall not entitle the proprietor or owner thereof to any privilege whatsoever in the said library or corporation.

*VI. And be it further enacted by the authority aforesaid,* That it shall and may be lawful at such meeting of seven or more of the said trustees of the library for the time being, or for the major part of them so met, to make any bye laws, constitutions or ordinances of the said corporation, to admit under the common seal of the said corporation, such and so many persons members of the said corporation, as they shall think beneficial to the said library, which members so admitted, shall be entitled to have, hold and enjoy all and every of the same rights and privileges as the members herein particularly named are entitled to by virtue of this act.

*VII. And be it further enacted by the authority aforesaid,* That each and every of the members of the said corporation for the time being, shall, on or before the first Tuesday in January, in every of the five next succeeding years, to be computed from the first day of January now last past, pay to the treasurer of the said library for the use of the said corporation, the sum of twenty shillings for each right such members respectively hold in the said library, and from and after the expiration of the said five years, the sum of ten shillings for each right, such members respectively hold in the said library, on or before the first Tuesday of January in every year for ever thereafter; and that in case any of the said annual sums, or any other sum which of right shall become due to the corporation from any of its members, shall at any time or times hereafter, be in arrear and unpaid, by and for the space of forty days next after any of the days on which the same ought to be paid, that then the person or persons from whom the same shall be due and payable, shall be precluded from exercising any of the privileges to which he became entitled by virtue of his becoming a member of the said corporation, until such sums shall be fully satisfied, and if such payment shall not be made within five years after any such sums shall become due as aforesaid, that then and after the expiration of five years from the time such payment shall become due, the person or persons from whom the same shall become due and payable, shall thereupon forfeit and be utterly excluded from all his, her or their rights and privileges in the said library and corporation.

Members of the said corporation may transfer their rights, and their assigns to be entitled to all their rights.

A board, when met, may admit, under their seal, as many new members as they shall think proper.

The yearly sum each member is to pay to the treasurer.

If the trustees are not elected on the day by law appointed, the corporation shall not for that reason be dissolved.

VIII. *And be it further enacted by the authority aforesaid,* That in case it should happen, that an election of trustees should not be made on any day when pursuant to this act it ought to have been made, the said corporation, shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation.

C H A P. XIV.

*An ACT for the Relief of Anna Margarett Whitman.*

Passed 24th February, 1792.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all the right and title of the people of this state, of, in and to all those two lots of land, lying and being in the seventh ward, formerly the out ward of the city of New-York, which were conveyed by the commissioners of forfeitures for the Southern district of this state, by a deed dated the fifteenth day of December, in the year one thousand seven hundred and eighty-four, to Jacob Whitman, shall be, and hereby is granted to and vested in Anna Margarett Whitman, the widow of the said Jacob Whitman, her heirs and assigns, to and for her and their own proper use and benefit for ever. Provided always, That the said Anna Margarett Whitman shall be, and is hereby made liable to and chargeable with the payment of all debts which the said Jacob Whitman owed at the time of his death, not exceeding the value of the said premises, in the same manner as if she was his heir and devisee, and in all actions against her for any such debt, the value of the premises shall be considered as assets in her hands.

C H A P. XV.

*An ACT for the benefit of the Shinecock Tribe of Indians, residing in Suffolk County.*

Passed 24th February, 1792.

**I.** **B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the male Indians, of twenty-one years of age and upwards, belonging to the Shinecock Tribe in Suffolk county, to meet together on the first Tuesday in April next, and on the first Tuesday in April in every year thereafter, at the place for holding town meetings in the town of Southampton, and there by plurality of voices, to choose three persons belonging to the said tribe as trustees, who by and with the consent of three justices of the peace, residing next to the lands of the said Shinecock Tribe, are hereby authorized and empowered, from time to time, to lease out so much of the said lands as they shall judge proper for the use of the said tribe, and for any term not exceeding three years, and to lay out and appropriate such quantity of the said land to each family or individual as shall be judged necessary for his or their improvement.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerk of the town of Southampton, annually to attend and

preside at the meeting of the said Indians, for choosing the said trustees, and to enter in a book to be by him kept for that purpose, the names of the persons who shall be so chosen trustees as aforesaid.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, shall plough or otherwise improve, any of the lands belonging to the said tribe, without the consent of a majority of the said trustees, and a majority of the said justices, first had and obtained in writing, and entered in the book herein directed to be kept by the said clerk, such person or persons shall severally forfeit the sum of forty shillings for every acre so occupied, notwithstanding he or they may have obtained licence to improve the said land, or any part thereof, from any Indian or Indians of the said tribe, other than in manner aforesaid, and shall be subject to pay such forfeiture to the said justices, for the use of the said tribe, to be recovered, with costs of suit, in their own names, in any court having cognizance of the same.

#### C H A P. XVI.

*An ACT to stay Proceedings on an Information in the Supreme Court against George Palmer.*

Passed 2d March, 1792.

**W**HEREAS it appears to the legislature, that an information hath been filed by the late attorney-general, in behalf of the people of this state, against George Palmer, of Stillwater, yeoman, for erecting two ledges and two dams near Stillwater, in Hudson's river: And whereas, sundry inhabitants of the towns of Stillwater, Halfmoon, Saratoga, and Easton, have, by their petitions presented to the legislature, prayed that all proceedings on the said information be stayed: Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all further proceedings, on the information aforesaid, shall be stayed, and be no farther prosecuted until the further order of the legislature. Provided always, That nothing in this act contained, shall be construed so as to prevent any person or persons, from prosecuting any suit or suits, for any private injury or damage they may conceive or suppose they have sustained, by means of the said ledges and dams.

#### C H A P. XVII.

*An ACT for the Relief of such Towns as have, or hereafter shall support certain Persons manumitted by the State.*

Passed 2d March, 1792.

**W**HEREAS, in and by an act entitled, "An act for the speedy sale of the confiscated and forfeited estates within this state, and for other purposes therein mentioned," the commissioners of forfeitures, or either of them, were directed, out of any monies which might come into his or their hands for rents, to make suitable provision for the support and maintenance of any slave or slaves who should be found unable to support themselves, and who belonged to, and had not been disposed of by any person or persons whose respective estates had become confiscated or forfeited to the people of this state: And whereas the powers of the said commissioners of forfeitures have ceased, and no relief can be obtained for the support of such slaves: Therefore,



*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the treasurer to pay unto the overseers of the poor of any town, such sum and sums of money as they already have expended, or hereafter may expend, in the support and maintenance of any such slave or slaves as aforesaid, or of any such slave or slaves who were the property of any person whose estate hath been confiscated or forfeited, and were such at the time of such confiscation or forfeiture, and who have since that time resided, and do now reside within this state. Provided always, That they have been, or hereafter shall be supported and maintained in like manner as other poor of the towns where they have been, or hereafter shall happen to be, are maintained. And provided also, That the overseers of every such town, who have supported such slave or slaves, as the poor of such town, or shall hereafter in like manner support such slave or slaves, shall produce their certificate thereof, certified by the supervisor and justices of such town, or the supervisor and a majority of such justices, and their account of such expenditures as aforesaid, examined and certified by the auditor of the state.*

C H A P. XVIII.

*An ACT for dividing the Town of Ball's Town, in the County of Saratoga, into four Towns.*

Passed 7th March, 1792.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly, That from and after the first Monday of April next, all that part of the town of Ball's town bounded as follows, to wit, beginning in the south-east corner of the fourteenth allotment, in the general division of the patent of Kayaderoseres, and running thence west, along the south bounds of the said allotment, to the middle of the south bounds of the lot number nine, in the subdivision of the allotment aforesaid, thence running due north, to the north bounds of the county of Saratoga, thence easterly to the town of Saratoga, thence southerly, along the bounds of the said town of Saratoga, to the place of beginning, be erected into a town by the name of Milton; and that all that part of the said Ball's town, bounded as follows, to wit, beginning at the south-west corner of the said town of Milton, thence running west along the south bounds of the said fourteenth allotment, to the line of the county of Montgomery, thence north along the said line of the said county of Montgomery, to the north-west corner of Saratoga county, thence easterly along the north bounds of Saratoga county to the north-west corner of the town of Milton aforesaid, thence south along the town of Milton aforesaid to the place of beginning, be erected into a town by the name of Galway; and that all that part of the said Ball's town, bounded as follows, to wit, beginning at the south-west corner of the town of Milton, and running thence south to the north bounds of the county of Albany, thence westerly along the said north bounds to Montgomery county, thence north along the east bounds thereof to the south-west corner of the town of Galway aforesaid, thence east to the place of beginning, be erected into a town by the name of Charlton; and that all the remaining part of the said town of Ball's town be and remain as the town of Ballston. Provided nevertheless, That nothing herein contained shall be construed to affect the private rights of any individuals.*

II. *And be it further enacted*, That the first town meetings in each of the said towns shall be holden as follows, that is to say, in the said town of Ballston, at the red meeting house in the said town; in the said town of Milton, at the house where William Baker now dwells; in the said town of Galway, at the school-house near Smith and Stillwell's store, in the said town, and in the said town of Charlton, at the meeting house in the said town.

III. *And be it further enacted*, That each of the said towns hereby erected shall enjoy all the rights, privileges and immunities which are granted to other towns within this state, by an act of the legislature, passed the seventh of March, one thousand seven hundred and eighty eight, entitled, "An act for dividing the counties of this state into towns."

IV. *And be it further enacted*, That the poor belonging to the said town of Ball's town, previous to this division, shall be divided amongst the said towns, in proportion to the wealth of the inhabitants of the said towns respectively, to be estimated by the last annual tax list of said town; and the overseers of the poor, supervisors and justices, or a majority of them, shall meet, within ten days after the next town meeting, at the house of Edward A. Waters, in Ballston aforesaid, and make such division as aforesaid, and the said towns respectively shall thereafter maintain their respective poor.

## C H A P. XIX.

*An ACT further to continue and amend the Act for the Appointment of an Auditor, and the Settlement of the Public Accounts of this State.*

Passed 7th March, 1792

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, That the act entitled, "An act for the appointment of an auditor and the settlement of the public accounts of this state," passed the twenty third day of March, one thousand seven hundred and eighty-two, shall be, and is hereby continued in full force and virtue, to all intents and purposes, until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety-four.

II. *And be it further enacted*, That when any accounts or demands against the state, shall be audited by the auditor, and presented to the treasurer for payment, it shall be lawful for the treasurer, if he shall be of opinion, that such accounts or demands have not been audited agreeably to the true intent and meaning of the laws of this state, to represent the same to the person administering the government of this state, for the time being, who upon examination thereof, if he shall be of the same opinion with the treasurer, shall by warrant under his hand, and the privy seal of the state, direct the treasurer to delay the payment of any such accounts or demands, and shall lay the same before the legislature at their next ensuing session.

III. *And be it further enacted*, That during the continuance of the act above said, the salary of the auditor shall, from and after the twenty-third day of March be, at and after the rate of three hundred pounds per annum, payable in four equal quarterly payments at the treasury.

C H A P. XX.

*An ACT to extend to the City of Albany, An Act entitled, An Act for regulating the Buildings, Streets, Wharves and Slips in the City of New-York.*

Passed 7th March, 1792.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, That the act entitled, "An act for regulating the buildings, streets, wharves and slips, in the city of New-York, passed the sixteenth day of April, one thousand seven hundred and eighty-seven, be, and the same is hereby extended to the city of Albany; and that it shall and may be lawful, for the mayor, aldermen and commonalty of the said city of Albany, in common council convened, to make such bye laws, ordinances, rules and orders, for regulating the buildings, streets, wharves and slips, and for such other purposes in the said city of Albany, as the mayor, aldermen and commonalty of the said city of New-York, in common council convened, are, in and by the before recited act, empowered to make.

C H A P. XXI.

*An ACT to enable John H. Livingston, Thomas Jones and Brockholst Livingston, to execute certain Trusts therein mentioned.*

Passed 12th March, 1792.

**W**HEREAS all the real estate whereof Philip Livingston, late of the city of New-York, Esquire, deceased, was seized at the time of his death, and not since sold and disposed of, is vested in Alexander Hamilton, John H. Livingston, Thomas Jones and Brockholst Livingston, in trust to sell as much as may be necessary to pay the debts of the said Philip Livingston, and to divide the residue among his heirs and devisees:

And whereas, by reason of the removal of the said Alexander Hamilton from this state, it is become difficult for him to execute the several trusts vested in him as aforesaid; for which reason, he hath signified his desire to be exonerated therefrom: Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly,* That every act which may be hereafter done by the said John H. Livingston, Thomas Jones and Brockholst Livingston, or the survivors or survivor of them, touching the real estate of the said Philip Livingston, deceased, shall be as valid and effectual in the law, as if the same had been done jointly by the said Alexander Hamilton, John H. Livingston, Thomas Jones and Brockholst Livingston, any thing in any former law, to the contrary notwithstanding.

C H A P. XXII.

*An ACT for granting an Allowance to the Commissioner of Excise, for the City of New-York, for his Services.*

Passed 12th March, 1792.

**B**E it enacted by the people of the State of New-York, represented in senate and assembly, That from and after the first day of March, one thousand seven hundred and ninety one, the commissioner of excise for the city and county of New-York, for the time being, shall be entitled for his services, to the sum of eighty pounds per annum, which it shall and may be lawful for him to retain out of the monies which shall come into his hands from the duty of excise aforesaid.

## C H A P. XXIV.

*An ACT to divide the Town of Southold, in Suffolk County.*

Passed 13th March, 1792.

**W**HEREAS many of the freeholders and inhabitants of Southold, in Suffolk county, have represented to the legislature, that their town is so long, that it is very inconvenient for them to attend at town meetings, and also to transact the other necessary business of the said town; and have prayed that the same may be divided into two towns; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all that part of the said town of Southold, lying to the westward of a line beginning at the Sound, and running thence southerly to the bay separating the towns of Southampton and Southold, and which is the eastern boundary or side of a farm now in the tenure or occupation of William Albertson, and is the reputed line of division between the parishes of Ocquebogue and Matteruck, shall, from and after the first Monday in April next, be erected into a distinct and separate town, by the name of River-Head; and the first town meeting of the inhabitants of the said town, shall be held at the dwelling house of John Griffen, at the River-Head; and the said town shall enjoy all the rights, privileges and immunities which are granted to the other towns within this state, by an act of the legislature, passed the 7th of March, 1788, entitled, "An act for dividing the counties of this state into towns."

II. *And be it further enacted,* That the poor of the town of Southold, on the first Monday of April next, shall afterwards be divided by the town of Southold and the town of River-Head, in such proportions as the overseers of the poor for the time being, of the said towns respectively, shall agree; and in case of disagreement of the said overseers, then in such proportions as the supervisors of the county, at their next annual meeting, shall direct, and the contingent charges and expences of the town of Southold, that have already arisen, or shall arise, before the first Monday in April next, shall be assessed, levied and paid, in the same manner as if this act had not been passed.

## C H A P. XXV.

*An ACT for loaning Monies belonging to this State.*

Passed 14th March, 1792.

**W**HEREAS it is proper that part of the money belonging to the people of this state, should be loaned to the citizens of this state, in the several counties in the manner herein after mentioned: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That the judges of the court of common pleas, or any one or more

Judges and supervisors of the several counties, to elect two loan-officers for their respective counties.

of them, and the supervisors or a majority of them, in the respective counties of this state, shall meet together on the first Tuesday of May next, or as soon thereafter as conveniently may be, at the place where the court of common pleas was last held in such county, and shall then and there by a majority of votes, elect two sufficient freeholders in their respective counties, to be loan officers in the county in which they shall be elected, for the purposes intended by this act.

II. *And be it further enacted by the authority aforesaid,* That before the said loan-officers shall respectively enter upon their said office, every of them

shall give bond to the people of the state of New-York, with such sufficient security, as shall be approved of by one or more of the judges of the court of common pleas of the county, together with a majority of the supervisors of the same county, signified by signing such, his and their approbation, on the back of the said bond, which bond shall be in the full sum by this act committed to his charge, with condition, for the true and faithful performance of his office and duty, and that without favor, malice or partiality.

Oath to be taken by the loan officers.

III. *And be it further enacted by the authority aforesaid,* That each loan officer respectively, shall take the following oath, viz. I do swear, that I will, according to the best of my skill and knowledge, faithfully, impartially and truly demean myself in discharge of the trust committed to me, as one of the loan officers of the county of \_\_\_\_\_ by the act entitled, "An act for loaning monies belonging to this state, according to the purport, true intent and meaning of the said act, so as the public may not be prejudiced, by my consent, privity or procurement." Which oath shall be administered by any justice of the peace, and be indorsed on the said bond, and be signed by such justice and loan officer, and the bond so indorsed, shall be lodged with the clerk of the county, who upon receipt thereof, shall give the loan officer a certificate that such bond, indorsed as aforesaid, is lodged with him, which certificate shall be delivered to the treasurer of this state, on his delivering to the loan officer, the money herein after directed to be delivered to such loan officer, and every such bond, and the indorsements thereon, shall be recorded by the clerk; and in case of the forfeiture of any such bond, the major part of the supervisors of the county may direct the same bond to be put in suit, and the monies recovered by virtue thereof, shall be applied to the use of the county.

The said loan officers declared to be bodies politic and corporate, with all the powers of corporate bodies.

IV. *And be it further enacted by the authority aforesaid,* That the new loan officers of the several counties, shall respectively be bodies politic and corporate, in fact and in law, by the name and stile of "The New Loan Officers of the County," of which they are respectively loan officers, with full power to every of the said bodies politic, to have and use a common seal, and under the same seal, and in the name of the same bodies politic, to give receipts, to take mortgages, and execute releases and conveyances of the mortgaged premises, and to sue and be sued, and generally with all such powers as are necessary for the due execution of the trusts reposed in them by this act.

Treasurer on receipt of the certificate aforesaid, to pay the monies to the loan officers.

Amount of the several sums to be paid to the loan officers of the several counties.

V. *And be it further enacted by the authority aforesaid,* That the treasurer of this state shall, upon producing to him the certificates above directed, pay to the new loan officers of the several counties, the sums following, that is to say: To the loan officers of the county of New-York, the sum of nineteen thousand three hundred pounds. To the loan officers of the county of Albany, the sum of sixteen thousand four hundred pounds. To the loan officers of the county of Suffolk, the sum of nine thousand six hundred pounds. To the loan officers of the county of Queens, the sum of eight thousand six hundred pounds. To the loan officers of the county of Kings, the sum of one thousand nine hundred pounds. To the loan officers of the county of Richmond, the sum of one thousand nine hundred pounds. To the loan officers of the county of Westchester, the sum of fourteen thousand one hundred pounds. To the loan

officers of the county of Dutchess, the sum of twenty-seven thousand two hundred pounds. To the loan officers of the county of Orange, the sum of ten thousand nine hundred pounds. To the loan officers of the county of Ulster, the sum of sixteen thousand two hundred pounds. To the loan officers of the county of Columbia, the sum of sixteen thousand three hundred pounds. To the loan officers of the county of Rensselaer, the sum of thirteen thousand four hundred pounds. To the loan officers of the county of Washington, the sum of thirteen thousand four hundred pounds. To the loan officers of the county of Clinton, the sum of one thousand four hundred pounds. To the loan officers of the county of Saratoga, the sum of ten thousand four hundred pounds. To the loan officers of the county of Montgomery, the sum of nine thousand four hundred pounds. To the loan officers of the county of Otsego, the sum of three thousand pounds. To the loan officers of the county of Herkemer, the sum of two thousand eight hundred pounds. To the loan officers of the county Tioga, the sum of two thousand six hundred pounds, and to the loan officers of the county of Ontario, the sum of one thousand two hundred pounds. And the respective loan officers shall give receipts for the said respective sums, to the said treasurer, upon the certificate herein before directed to be given, by the clerk of the county, and which receipts shall be sufficient discharges to the treasurer, his executors and administrators, for the said sums respectively.

*VI. And be it further enabled by the authority aforesaid,*

Loan officers to loan out said moneys to persons who will give security by way of mortgage for the same.

That when the said loan officers have respectively qualified themselves as by this act is directed, they shall receive from the treasurer, the said sums above directed to be paid to them respectively, and shall loan out the same to such persons as shall apply for the same, and can and will give security to the said loan officers, by mortgage on improved lands in the same county, then in the actual occupation of the borrower; they the said loan officers first giving public notice in writing, to be fixed up at the court-house in the county, or at the place where the court of common pleas was then last held in the same county, and at four other public places in the same county, that on a certain day, at least ten days after the said notice given, they will be ready to receive borrowers, qualified according to the directions of this act: And as on that day borrowers offer, their names and the sums they apply for, shall be orderly entered in the minute book of proceedings herein after mentioned, and every one shall be served, according to the priority of application, if there be no reasonable objections against the title and value of the lands offered to be mortgaged, or some other sufficient reasons, which shall be entered also in the minute book of proceedings. Provided always, That if upon the said day, so many borrowers offer, as to apply for a greater sum than the whole sum in that county to be lent out, then and in such case, every such borrower, shall be abated of the sum applied for, proportionably. Provided always, That the loans aforesaid, shall be in proportion to the value of the lands only, exclusive of the buildings thereon.

*VII. And be it further enabled by the authority aforesaid,*

Loan officers before they accept the mortgage, to examine titles, &c.

That the new loan officers respectively, before they accept of the said lands in mortgage, for any of the said money, shall first view what is so offered in mortgage, or make due enquiry respecting the value thereof, and shall examine the titles thereto; by perusing the deeds, patents, surveys and other writings and conveyances, by which the same are held, and by which the value and quantity may be

the better known ; and the said loan officers respectively, are hereby empowered and required, to administer to all persons applying for any of the money as aforesaid, the following oath, viz. " I — do swear, that I am bona fide seized in fee simple, of the lands, tenements and hereditaments, by me now offered to be mortgaged in my own right, and to my own use, and that the same were not conveyed to me in trust, to borrow any sum or sums of money upon the same, for the use of any other person or persons whatsoever, and that the said premises are free and clear from any other or former gift, grant, sale, mortgage, judgment, recognizance, or other incumbrance whatsoever to my knowledge and belief." And for the better satisfaction of the loan officers as to the title and value of what is offered in mortgage by borrowers, the loan officers, or either of them, are hereby authorized and empowered, to examine the borrower and witnesses concerning the same, upon oath, and to administer such oath, a brief minute of which examination and the names of the persons so examined, shall be entered in their said minute book of proceedings. And the loan officers of the several counties of Clinton, Otsego, Herkemer, Tioga and Ontario, shall not take any mortgage for any of the monies, unless the title of the borrower to the lands mortgaged, shall be first duly recorded or deposited with the loan officers.

Loan officers upon being satisfied with the borrowers titles may loan out the monies at six per cent. in sums to a certain amount.

VIII. *And be it further enacted by the authority aforesaid,*

That the new loan officers of the several counties in this state respectively, upon finding borrowers qualified, and upon being satisfied as aforesaid, as to the title and value of the lands offered to be mortgaged, shall and may by virtue of this act, lend out the money delivered to them as aforesaid, at the interest of six per cent. per annum, in sums not exceeding three hundred pounds, nor under thirty pounds, unless the proportion as aforesaid, be less to any one person, and shall take security for the same, by way of mortgage as aforesaid, on improved lands then in the actual possession of the borrower, and situated in the same county of which they are loan officers, of at least double the value, exclusive of the buildings or rent charged thereon, of the sum so loaned, and shall also administer an oath or affirmation to the borrower as aforesaid ; and the said mortgage shall be executed before two or more witnesses signing thereto, and the substance thereof shall be minuted in a book, to be by the said loan officers kept for that purpose, in each respective county ; for the making of which mortgage and minute, the borrower shall pay to the said loan officers the sum of four shillings, and no more ; which mortgage and minute shall be, and each of them are hereby declared to be matter of record ; and an attested copy of the said mortgage, if in being, or of the said minute in case the said mortgage is lost, under the hands of the said loan officers, and the seal of the said loan office, shall be good evidence of the said mortgage in any court within this state.

IX. *And be it further enacted by the authority aforesaid,*

Interest of the monies so loaned, to be paid yearly on a certain day, and the principal at any time before a certain other day.

That the interest of the money lent out as aforesaid, shall be payable yearly, on the first Tuesday in May in every year, and it shall be optional with the borrowers to repay the principal sum at any time before the first day of May, one thousand eight hundred and two ; and if legislative provision shall be made for the repayment of the said principal, or any part thereof, after the said first day of May, one thousand eight hundred and two, the borrower shall be allowed the farther time of one year for the repay-

officers of the county of Dutchess, the sum of twenty-seven hundred pounds. To the loan officers of the county of Albany, the sum of ten thousand nine hundred pounds. To the loan officers of the county of Ulster, the sum of sixteen thousand two hundred pounds. To the loan officers of the county of Columbia, the sum of sixteen thousand pounds. To the loan officers of the county of Dutchess, the sum of twenty-seven hundred pounds; but if the borrower shall pay in a fourth, or a fifth, or a sixth, or a seventh, or an eighth, or a ninth, or a tenth, of the principal due to the said loan officers of the county of Clinton, the sum of ten thousand pounds. To the loan officers of the county of Montgomery, the sum of nine thousand pounds. To the loan officers of the county of Otsego, the sum of eight hundred pounds. To the loan officers of the county of Ontario, the sum of one thousand pounds. The respective loan officers shall give said treasurer, upon the certificate of the county, and with the mortgage, his executors and

## VL. 42

Loan officers to  
loan out their money  
to persons who will  
give security by way  
of mortgage for the  
same.

persons as shall apply  
loan officers, by in  
the actual occupant  
public notice in v  
at the place where  
county, and at  
rain day, at le  
receive borrow  
on that day  
be orderly e  
and every  
there be no  
ferred to b  
tered also  
upon th  
than th  
every  
Provid  
lue o

That whosoever shall mortgage, and in the margin of the minute thereof, that on such day and year, such release was made, which release, the releasee shall pay the sum of the principal, and no more; and when any parts of the principal shall be paid, the loan officers shall, at the end of that year, by advertisements set up, and that they are ready to receive such persons as shall appear to be qualified according to this act, to borrow the same, and in the lending and receiving thereof, conform themselves (as near as the circumstances of the case shall require) to the directions herein before prescribed; and if any money shall be lent to any person, they shall set up advertisements in their hands for want of borrowers, they shall set up advertisements thereof, and continue to do the like at the end of every year.

be orderly  
and every  
there be no  
ferred to be  
tered allo  
upon th  
than th  
every  
Provid  
lue of

*And he be it further enabled by the authority aforesaid,*  
That in case any of the new loan officers shall remove out  
of the county, die, or neglect or refuse to perform the duty  
required or enjoined him by this act, or shall behave him-  
self in the office with favor, affection, partiality or malice, whereby the pub-  
lic or any private person may be injured, upon report or complaint made  
thereon by two or more of the judges aforesaid, of the county for which  
he is an officer, the said judges are hereby directed and required, by sum-  
mons, to convene the judges and supervisors of the same county, to meet  
at such time and place, as in the said precept shall be appointed, to hear and  
determine summarily upon the said report or complaint, and upon suffi-  
cient proof made to any one or more of the said judges, with a major part  
of the said supervisors, of any death, removal, neglect or refusal in the said  
office as aforesaid, then, and in that case, the said majority of supervisors,  
with concurrence of one or more of the judges aforesaid, shall proceed in  
manner as herein before directed, to elect, and are hereby directed and re-  
quired to elect a loan officer in the room and stead of such deceased or absent



GEORGE CLINTON, Esq. Governor.

who shall have neglected or refused as aforesaid, and as aforesaid, having entered into bond, and been loan officers are by this act directed, shall be subject to all penalties and advantages, and shall be subject to all such as any of the loan officers of the county as directed with, entitled or subject to, by virtue of this

*enacted by the authority aforesaid.* That if any of them to be elected, shall desire to be discharged of and any one or more of the judges aforesaid, shall, and may, on of such loan officer for that purpose, issue his or their on the judges aforesaid, and the supervisors to meet at a day said precept mentioned, to whom when met, the said loan officer to produce or render an account of his proceedings in the said office, it appears upon examination to a majority of the said judges and that the said loan officer hath faithfully demeaned himself in the of his said office, according to the true intent and meaning of this act, and in such case, such loan officer shall be discharged of, and from said office, and another fit person shall be by them elected to supply his place, who shall take the same oath or affirmation, give the like security, be subject the like penalties, restitutions and regulations, and receive the same salaries and advantages, as the other loan officers for that county, by virtue of this act, are liable, subject, or entitled unto.

XII. *And be it further enacted by the authority aforesaid,* That when a loan officer shall be chosen and qualified as herein is directed, in the place of a former loan officer, such former loan officer, his executors or administrators shall, upon demand, deliver to the loan officer chosen in his place, and qualified as aforesaid, all the monies, books and papers that were in such former loan officer's custody, belonging to his office, upon oath before any justice of the peace; and in case any such loan officer, or his executors or administrators, shall delay or refuse to make such delivery on oath, when demanded as aforesaid, the bond of such former loan officer shall be forfeited.

XIII. *And be it further enacted by the authority aforesaid,* That if any borrower shall neglect to bring in and pay, or cause to be brought in and paid, yearly and every year, on the first Tuesday in May, or within twenty-two days thereafter, on one of the days which the loan officers aforesaid, are by this act directed to attend the respective loan offices, the yearly interest due by his mortgage, and also the principal when demanded as aforesaid, then and in either of these cases, the loan officers to whom such mortgage was granted, shall be seized of an absolute indefeisible estate, in the lands, tenements and hereditaments thereby mortgaged to them, their successors and assigns, to the uses in this act mentioned, and the mortgagor, his or her heirs or assigns, shall be utterly foreclosed and barred of all equity of redemption of the mortgaged premises, any law, usage, custom or practice in courts of equity to the contrary notwithstanding.

XIV. *And be it further enacted by the authority aforesaid,* That the loan officers shall respectively attend the loan office on certain days to receive monies due, once every year, to receive the monies by this act directed to be paid to them upon the first Tuesdays of May, and thereafter on the Tuesday in each week, for the term of three weeks.

ment thereof; and the respective loan officers are hereby required, at the lending of the money, to take the security for the same accordingly; and the said loan officers for every sum paid to them, shall give to the person paying the same, a receipt, and shall enter one minute of the same payment on the back of the mortgage, and another minute thereof in the book of accounts by them to be kept, and that without any fee or reward; but if the borrower, his heirs, executors, administrators or assigns, shall pay in a fourth, or a half part, or three quarters, or the whole of the principal due to the said loan officers, on any first Tuesday of May in any year, the said loan officers are hereby required and empowered to receive the same on the said first Tuesday of May annually, and on no other day of the year, unless so many shall offer payment on that day, that the said loan officers cannot within the day receive the whole; and in that case, they are to continue to receive, until all who on that day offered have paid the monies so offered, or unless he brings with him another sufficient borrower to give new security to the satisfaction of the loan officers, for the whole of the money by him paid in, and in that case the loan officers shall accept thereof, on any of their stated days of meet-

ing, and when the whole of the principal and interest is paid, the said loan officers shall (if required) give the party paying a release of the mortgage given by the borrower, and shall tear off the name and seal, and make an entry on the margin of the mortgage, and in the margin of the minute made thereof, that on such day and year, such release was made, for which release, the releasee shall pay the sum of two shillings, and no more; and when any parts of the principal are paid in as aforesaid, the loan officers shall, at the end of that meeting, compute the whole of the principal so paid in, and give public notice of the amount thereof by advertisements set up, and that they are ready to lend the said monies to such persons as shall appear to be qualified according to the directions of this act, to borrow the same, and in the lending and taking security shall conform themselves (as near as the circumstances of the case can admit) to the directions herein before prescribed; and if any money shall remain in their hands for want of borrowers, they shall set up advertisements of the amount thereof, and continue to do the like at the end of every of their stated meetings.

When the whole principal and interest is discharged, loan officers to give a release of the mortgage in manner herein directed.

When any parts of the principal are paid, loan officers to advertise the same for loan again.

*X. And be it further enacted by the authority aforesaid,* That in case any of the new loan officers shall remove out of the county, die, or neglect or refuse to perform the duty required or enjoined him by this act, or shall behave himself in his office with favor, affection, partiality or malice, whereby the public, or any private person may be injured, upon report or complaint made thereof to any two or more of the judges aforesaid, of the county for which he is loan officer, the said judges are hereby directed and required, by summons, to convene the judges and supervisors of the same county, to meet at such time and place, as in the said precept shall be appointed, to hear and determine summarily upon the said report or complaint, and upon sufficient proof made to any one or more of the said judges, with a major part of the said supervisors, of any death, removal, neglect or refusal in the said office as aforesaid, then, and in that case, the said majority of supervisors, with concurrence of one or more of the judges aforesaid, shall proceed in manner as herein before directed, to elect, and are hereby directed and required to elect a loan officer in the room and stead of such deceased or absent

In case of vacancies of loan officers, how they are to be filled up.

*X. And be it further enacted by the authority aforesaid,* That in case any of the new loan officers shall remove out of the county, die, or neglect or refuse to perform the duty required or enjoined him by this act, or shall behave himself in his office with favor, affection, partiality or malice, whereby the public, or any private person may be injured, upon report or complaint made thereof to any two or more of the judges aforesaid, of the county for which he is loan officer, the said judges are hereby directed and required, by summons, to convene the judges and supervisors of the same county, to meet at such time and place, as in the said precept shall be appointed, to hear and determine summarily upon the said report or complaint, and upon sufficient proof made to any one or more of the said judges, with a major part of the said supervisors, of any death, removal, neglect or refusal in the said office as aforesaid, then, and in that case, the said majority of supervisors, with concurrence of one or more of the judges aforesaid, shall proceed in manner as herein before directed, to elect, and are hereby directed and required to elect a loan officer in the room and stead of such deceased or absent

person, or such person who shall have neglected or refused as aforesaid, which loan officer so elected as aforesaid, having entered into bond, and been qualified in like manner as other loan officers are by this act directed, shall then have all the powers, privileges and advantages, and shall be subject to all the penalties and forfeitures, which any of the loan officers of the county as aforesaid, are vested or charged with, entitled or subject to, by virtue of this act.

XI. *And be it further enacted by the authority aforesaid,* That if any of the loan officers hereafter to be elected, shall desire to be discharged of and from the said office, any one or more of the judges aforesaid, shall, and may, upon the application of such loan officer for that purpose, issue his or their precept, to summon the judges aforesaid, and the supervisors to meet at a day and place in the said precept mentioned, to whom when met, the said loan officer shall produce or render an account of his proceedings in the said office; and if it appears upon examination to a majority of the said judges and supervisors, that the said loan officer hath faithfully demeaned himself in the discharge of his said office, according to the true intent and meaning of this act, then and in such case, such loan officer shall be discharged of, and from his said office, and another fit person shall be by them elected to supply his place, who shall take the same oath or affirmation, give the like security, be subject the like penalties, restitution and regulations, and receive the same salaries and advantages, as the other loan officers for that county, by virtue of this act, are liable, subject, or entitled unto.

XII. *And be it further enacted by the authority aforesaid,* That when a loan officer shall be chosen and qualified as herein is directed, in the place of a former loan officer, such former loan officer, his executors or administrators shall, upon demand, deliver to the loan officer chosen in his place, and qualified as aforesaid, all the monies, books and papers that were in such former loan officer's custody, belonging to his office, upon oath before any justice of the peace; and in case any such loan officer, or his executors or administrators, shall delay or refuse to make such delivery on oath, when demanded as aforesaid, the bond of such former loan officer shall be forfeited.

XIII. *And be it further enacted by the authority aforesaid,* That if any borrower shall neglect to bring in and pay, or cause to be brought in and paid, yearly and every year, on the first Tuesday in May, or within twenty-two days thereafter, on one of the days which the loan officers aforesaid, are by this act directed to attend the respective loan offices, the yearly interest due by his mortgage, and also the principal when demanded as aforesaid, then and in either of these cases, the loan officers to whom such mortgage was granted, shall be seized of an absolute indefeasible estate, in the lands, tenements and hereditaments thereby mortgaged to them, their successors and assigns, to the uses in this act mentioned, and the mortgagor, his or her heirs or assigns, shall be utterly foreclosed and barred of all equity of redemption of the mortgaged premises, any law, usage, custom or practice in courts of equity to the contrary notwithstanding.

XIV. *And be it further enacted by the authority aforesaid,* That the loan officers shall respectively attend the loan office every year, to receive the monies by this act directed to be paid to them upon the first Tuesdays of May, and thereafter on the Tuesday in each week, for the term of three weeks.

Loan officers to attend on certain days to receive monies due.

When mortgaged lands are to be sold, loan officers to advertise the time, when and where to be sold.

XV. *And be it further enacted by the authority aforesaid,* That the loan officers shall, within eight days after the last Tuesday of their attendance as aforesaid, yearly and every year, cause advertisements to be fixed up, at not less than three of the most public places of the county where the premises are situated, describing the quantity and situation of the lands mentioned in the several mortgages foreclosed as aforesaid, and giving notice that on the third Tuesday in September, in the same year, they are to be sold at the court house of the respective counties where the lands lie (by way of public vendue, to the highest bidder) excepting in the city and county of New-York, in which place, such vendue shall be held at the public coffee house, in the said city.

XVI. *And be it further enacted by the authority aforesaid,* And on that day shall expose the same to sale at public vendue, and convey them to the highest bidder. That the new loan officers of the respective counties aforesaid, shall on the third Tuesday of September, yearly, expose the lands in the mortgages foreclosed as aforesaid, to sale at public vendue, and upon such sale, shall convey the said lands to the highest bidder or bidders, and the purchaser or purchasers, shall and may hold and enjoy the same lands, for such estate as was conveyed to the said loan officers by the mortgage executed by such mortgagor, clearly discharged and freed from all benefit and equity of redemption, and all other incumbrances made and suffered after the execution of such mortgage by the mortgagor, his or her heirs or assigns, and such purchaser or purchasers, shall pay the loan officers for drawing and executing such conveyance, the sum of five shillings.

XVII. *And be it further enacted by the authority aforesaid,* That when any lands, tenements or hereditaments, mortgaged to the loan officers according to this act, shall be set up for sale as aforesaid, and no person shall bid, or offer at such sale, to give for the same lands, tenements and hereditaments, the sum of money for which the same were mortgaged, and then remaining unpaid, with the interest then due thereon; or if any person, to whom any such lands, tenements or hereditaments, shall at any such sale be struck off, shall not pay for the same, then, and in every such case, the loan officers shall enter into and take possession of the said lands, tenements and hereditaments, and let the same upon the best terms they can, for the benefit of the county, until the third Tuesday in April then next, and shall on the same third Tuesday in April, sell the same lands, tenements and hereditaments at public vendue, to the highest bidder, giving at least six weeks notice of such sale, in manner directed by this act (and if any deficiency shall happen by such sale) the loan officers shall give notice thereof to the supervisors of the county, where the lands, tenements and hereditaments are situated, at their next meeting, who shall cause such deficiency to be raised and paid to the loan officers, on or before the first Tuesday in October then next; but if the mortgagor, or his or her heirs or assigns, shall at or before the sale of the mortgaged premises, pay to the loan officers, all such sums as shall be payable on such mortgage, on the first Tuesday of May then next, for principal and interest, together with the charges of advertising the same, then the said loan officers shall accept the same, and permit the said owner, or his or her heirs or assigns, to take possession of the said mortgaged premises, and to hold the same, until default shall be made in payment of any further sum on the said mortgage.

XVIII. *And be it further enabled by the authority aforesaid,* That the money for which the premises are sold, shall upon the sale thereof, be paid to the said loan officers, out of which they shall retain in their hands, the amount of the principal then due, together with the interest which would have been due thereon on the first Tuesday of May next thereafter, if such sale had not been made, as also the expence of the advertisements and of the sale, such expence not exceeding fifteen shillings, and the remainder, if any be, the loan officers shall pay to the mortgagor, his or her heirs or assigns. Provided always, That if any person or persons offer at the time of the sale to borrow (on sufficient security within this act) the whole principal that is to be retained out of the price, and lent out again, then and in that case, the loan officers shall not retain interest beyond the day of sale. Provided also, That if the purchaser inclines to borrow the principal sum or sums that is or are to be paid by him or her, and lent out again, and if the loan officers be satisfied with the security to be given by such purchaser in manner aforesaid, such purchaser shall be preferred to any other borrower. Provided likewise, That the loan officers shall not be obliged to take notice of any assignee of the mortgagor, unless they enter a notice of their right with the said loan officers, at or before the time of sale; which notice the loan officer shall enter on the mortgage and minute thereof on demand, the assignee paying one shilling for the same: and the assignees shall be preferred according to the priority of their entries of such notices.

XIX. *And be it further enabled by the authority aforesaid,* That after any lands, tenements or hereditaments, are mortgaged, according to the directions of this act, if it shall appear to the loan officers upon good and sufficient grounds (which they shall insert in the minute of their proceedings) that the mortgagor had no good right or title to the premises mortgaged, or has otherwise broken the covenant of his mortgage, so that the public may be in danger of losing the monies or any part thereof, advanced in loan upon the credit of the premises, it shall and may be lawful, to and for the said loan officers, and they are hereby empowered and required, to commence an action or actions of debt or covenant upon the said mortgage, against the said mortgagor, his or her heirs, executors or administrators, and the same to prosecute to judgment, by all lawful ways and means whatsoever, in any court of record for the recovery of the whole monies lent upon the mortgage, and the interest become due, or that shall become due, until the first Tuesday of May next following the judgment, with costs and charges, in which action or actions, the mortgagor shall be held to special bail, and the court in which such action is brought, is, and the judges thereof in vacation, are hereby authorised and directed, to give such short day for the rules of pleading thereon, that judgment or a trial and final determination may be had the first court, after the court at which the defendant first appeared to the same action.

XX. *And be it further enabled by the authority aforesaid,* That the supervisors and judges aforesaid, of the several counties of this state, shall, on the first Tuesday in October next, and yearly thereafter, on the first Tuesday of October in every year, meet together with the said loan officers, at the court house of the county, and the majority of the supervisors with one or more of the judges aforesaid, shall carefully inspect and examine the mortgages, minutes and accounts of the loan officers, and if it be found that any

When any lands are mortgaged agreeable to this act, and the loan officers suspect the title, they shall commence an action of debt against the mortgagors.

Supervisors and judges to meet on a certain day annually, with the loan officers, to inspect their accounts, &c.

loan officer or officers, has, or have refused or neglected to perform the duties enjoined upon him or them by this act, the said judges and supervisors, shall elect a loan officer or loan officers in the stead of such who shall have so refused or neglected, as aforesaid; and if any deficiency has happened by borrowers not having right to the lands mortgaged, or by the selling thereof at a less price than what is before mentioned, or otherwise, then the said supervisors, or a majority of them, with the concurrence of one or more of the said judges, shall cause all such deficiencies to be assessed and levied in the county, as other county charges, so that the whole of such deficiencies be paid to the said loan officers, by the first Tuesday of May then next following.

XXI. *And be it further enacted by the authority aforesaid,* That in case one or more of the said judges, and a majority of the supervisors aforesaid, shall not meet on the first Tuesday in May next; or in case they shall not meet yearly on the first Tuesday in October; or in case they shall not meet when summoned by a precept of one or more of the said judges, for the several purposes in this act mentioned; every of them in either of those cases that are absent (unless detained by sickness) shall forfeit the sum of two pounds, and the judge or judges then attending, shall issue his or their precept to one or more constables, to summon the judges and supervisors to attend on that day week, for the purposes aforesaid, under double the penalty aforesaid, which each neglecting, then to attend if duly summoned, shall also forfeit, although a sufficient number do appear, and in case a sufficient number do not then appear, the judge or judges appearing, shall proceed in like manner, from week to week, until a full number of supervisors do appear, to perform the duty for which they ought before to have met; and in case the said supervisors, or either of them, when a majority of them are met, shall neglect or refuse to do the duty enjoined on him or them by this act, when met; or shall, on any pretence whatsoever, on the day of their annually meeting, neglecting, or omit the causing to be assessed, levied and raised, the whole deficiencies that have happened by any of the means aforesaid; every of them neglecting their duty herein, shall forfeit to the people of this state, the sum of five pounds, all which penalties before in this clause mentioned, are to be recovered before any one of the justices of the peace, within the county where such forfeiture shall arise, one half to the use of such judge or judges, and supervisors of the same county, endeavoring to perform their duty herein, who will sue and inform against the others, and prosecute their suit to effect, and the other half to the use of the people of this state.

XXII. *And be it further enacted by the authority aforesaid,* That all and every the sums of money which may at any time afterwards be recovered by the new loan officers aforesaid, of such persons as have been the occasion of such deficiencies as aforesaid, shall be applied to the use of such county, and the judge or judges and supervisors, are hereby empowered to take all lawful ways and means in the name of the said loan officers, to recover the same.

XXIII. *And be it further enacted by the authority aforesaid,* That if any monies shall remain in the hands of the new loan officers, for want of borrowers, four weeks after the first day appointed for letting it out, then it shall be lawful for them to let out the same on good security, as aforesaid, by mortgage of improved lands in the same county, as aforesaid, to any person who will borrow the same in any sums above three hundred pounds.

All monies afterwards recovered by the loan officers from persons who have occasioned deficiencies, shall be applied to the use of the county.

If any money remains in the hands of the loan officer more than four weeks after the first day fixed on for loaning, he may then loan it out in any sum above three hundred pounds.

If any remains more than eight weeks, they shall carry it to the next county.

And the loan officers of such county shall receive the same and advertise it for loan.

XXIV. *And be it further enacted by the authority aforesaid,* That if any monies shall at any time remain in the hands of any of the new loan officers for want of borrowers, eight weeks after the day appointed for letting it out, as aforesaid, then, and in every such case, such loan officers, in whose hands the same may remain, or one of them with the consent of the other, to be entered and signed in the minute book of their proceedings, shall carry it to the loan officers of the next county or counties, where more money is demanded on loan than there are monies to lend, and deliver it to the loan officers of such next county or counties, upon their receipt for the same, and entering a memorandum of it in the minute book of their proceedings, which loan officers to whom such sum is brought, shall accept thereof, and shall set up advertisements thereof, and therein assign a day in the next week for borrowers to offer, and shall proceed in lending such further sum in their county as nearly as circumstances will admit, in like manner as they proceeded in lending the first sum; of which transposition of those monies, the loan officers of the several counties, shall, from time to time, give notice in writing, signed by them to the treasurer, at the time of their paying to him the first interest monies thereafter, of which notices to him, he shall enter memorandums in his book of accounts, the better to ascertain the interest he is to receive yearly from the respective counties, and the principal sums with which the said counties are charged.

XXV. *And be it further enacted by the authority aforesaid,* That the yearly salary of the loan officers, aforesaid, for the services required of them by this act, shall be as follows, that is to say. For every of the loan officers of the county of New-York, the sum of forty pounds. For every of the loan officers of the county of Albany, the sum of thirty-four pounds. For every of the loan officers of the county of Suffolk, the sum of twenty pounds. For every of the loan officers of the county of Queens, the sum of eighteen pounds. For every of the loan officers of the county of Kings, the sum of ten pounds. For every of the loan officers of the county of Richmond, the sum of ten pounds. For every of the loan officers of the county of Westchester, the sum of thirty pounds. For every of the loan officers of the county of Dutchess, the sum of fifty pounds. For every of the loan officers of the county of Orange, the sum of twenty-two pounds. For every of the loan officers of the county of Ulster, the sum of thirty-three pounds. For every of the loan officers of the county of Columbia, the sum of thirty-three pounds. For every of the loan officers of the county of Rensselaer, the sum of thirty-five pounds. For every of the loan officers of the county of Washington, the sum of thirty-five pounds. For every of the loan officers of the county of Clinton, the sum of twenty pounds. For every of the loan officers of the county of Saratoga, the sum of twenty-five pounds. For every of the loan officers of the county of Montgomery, the sum of twenty-five pounds. For every of the loan officers of the county of Otsego, the sum of twenty pounds. For every of the loan officers of the county of Herkemer, the sum of twenty pounds. For every of the loan officers of the county of Tioga, the sum of twenty pounds; and for every of the loan officers of the county of Ontario, the sum of twenty pounds. And the said loan officers respectively, shall retain in their hands so much of the interest money paid in to them, as will pay them their said respective salaries, and shall pay the remainder of the said interest to the treasurer of this state, annually, on or before the last Tuesday of June in every year, and the re-

ceipt of the said treasurer shall be to the said loan officers, and every of them, their heirs, executors and administrators, a sufficient discharge.

**XXVI. And be it further enacted by the authority aforesaid,** That the respective loan offices in this state, shall be kept at the court house of each respective county, and, where there is no court house, at the place where the court of common pleas shall be held in the same county, or at some convenient place near the same, except in the counties of Orange and Westchester, in each of which counties, there being two court houses, the loan officers shall meet alternately, first at or near one court house, and then at or near the other; and the respective loan officers of this state, shall, as soon as they receive the said monies from the treasurer, set up advertisements of the first day of their attending the loan office for the purposes herein before mentioned, and shall duly attend the same on that first day, and on every Tuesday and Wednesday in every week, for the space of four weeks thereafter, if there be occasion.

**XXVII. And be it further enacted by the authority aforesaid,** That if any person shall falsely swear, or affirm, in any of the cases where an oath or affirmation is required to be taken by this act, or shall wilfully and knowingly act contrary to any oath or affirmation he has taken in pursuance of this act, such offence is hereby declared to be perjury, and the offender, being convicted thereof, shall suffer the pains and penalties as in cases of wilful and corrupt perjury.

**XXVIII. And be it further enacted by the authority aforesaid,** That the respective loan officers, shall permit any person, at seasonable times, to search and view the books of mortgages in their hands and custody, upon paying one shilling for the search and the entry of the respective mortgages in the books of the said loan officers, shall have the like priority, operation, and effect, as if such mortgages were registered in the office of the clerk of the county in which the lands mortgaged lie.

**XXIX. And be it further enacted by the authority aforesaid,** That for the greater uniformity in the securities to be taken by the loan officers, for the money to be lent by virtue of this act, the mortgages shall be in the form following, to wit, " This indenture, made the            day of            in the year of our Lord, one thousand            between            of            in the county of            of the first part, and the new loan officers, of the county of            of the second part, Witnesseth, That the said            for and in consideration of the sum of            to            well and truly paid by the new loan officers of the county of            aforesaid, hath granted, bargained, sold, aliened, released, enfeoffed, and confirmed, and by these presents, doth grant, bargain, sell, alien, release, enfeoff, and confirm to the new loan officers of the county of            aforesaid, and their successors and assigns forever, all that            together with all, and all manner of improvements, hereditaments, and appurtenances whatsoever, to the same belonging, or in any wise appertaining, and all the estate, right, title, interest, claim and demand whatsoever, of the said            of, in, and to the above bargained premises, and every part thereof. To have and to hold the above bargained premises, and every part thereof, with the appurtenances, unto the said loan officers of the county of            and their successors and assigns forever, to the uses, and for the purposes mentioned in an act of the



legislature of the state of New-York, entitled, "An act for loaning monies belonging to this state." Provided always, and these presents are upon this conclusion, That if the said heirs, executors, administrators, or assigns, shall pay, or cause to be paid, to the new loan officers of the county of the interest of the said sum of at the rate of six pounds per cent. per annum, on the first Tuesday of May yearly, and every year, and shall also pay to the said loan officers of the county of the said principal sum of with all the interest then due for the same, when the same shall be by them demanded, at any time after the first Tuesday of May, which will be in the year of our Lord, one thousand eight hundred and two, then the above grant, bargain and sale, and every article and clause thereof, shall be void; but if failure be made in any of the payments above mentioned, then the above bargain and sale is to remain in full force and virtue, and the said for heirs and assigns, hereby agree to be absolutely barred of and from all equity of redemption of the premises, after the expiration of twenty-two days after such failure. And the said for heirs, executors, administrators, and assigns, hereby covenant, grant, and agree to and with the said loan officers of the county of and their successors, well and truly to pay to them the interest of the said sum of at the rate aforesaid, annually, on the first Tuesday of May in every year, and the said principal sum of with all the interest then due thereon, when demanded as aforesaid, after the first Tuesday of May, which will be in the year, one thousand eight hundred and two; and that at the time of sealing and delivering of these presents, the said lawfully seized of the above bargained premises, of a good, sure, perfect, absolute, and indefeasible estate of inheritance, and that the same now are free and clear of and from all former and other gifts, grants, bargains, sales, leases, judgments, recognizances, dowers, rights of dower, and other Incumbrances whatsoever; and also that the above bargained premises, upon the sale thereof, pursuant to the directions of the said act, will yield the principal and interest aforesaid, remaining unpaid at the time of such sale, and until the first Tuesday of May next, after such sale, together with fifteen shillings for the charges of such sale. In witness whereof, the said ha hereunto set hand and seal the day and year first above written. Sealed and delivered in the presence of us.

XXX. *And be it further enacted by the authority aforesaid,*

Printer to the state to print ten thousand copies of said mortgage, and bind up part of them, and deliver them to the treasurer who shall deliver them to the loan officers.

That the printer to this state shall print ten thousand copies of the said mortgage, and bind so many of them in a book, together with six leaves of clean paper for an alphabet, for the use of the loan office of each county, that there may be a mortgage for every thirty pounds given to the loan office of that county, and the number remaining he shall give in loose sheets, to be distributed, in the like proportion to each of the new loan officers, in order therewith (if there should be occasion) to give attested copies of the original mortgages to the purchasers of any of the mortgaged lands; and the printer shall deliver the said books, together with the said loose sheets, to the treasurer of this state, who shall deliver the same, together with the monies, to the new loan officers of each county.

XXXI. *And be it further enacted by the authority aforesaid,*

All mortgages taken to be of those blanks filled up in the book, the loan officer beginning at the beginning of the book, and numbering the mortgages.

That no mortgages shall be taken in the loan offices, but by filling up one of the blanks of the book of mortgages, and none of the mortgages shall be defaced or torn out, except the seals, when the mortgagor pays the whole principal and interest of the mortgage; and the loan officers shall pro-

ceed in taking the mortgages, from the beginning of the book, forward, numbering the mortgages as they are taken, and inserting the mortgagor's name and number in the alphabet, under the letter answering to the mortgagor's surname.

*XXXII. And be it further enacted by the authority aforesaid,*  
Printer to bind 20 blank books for the use of the loan officers, to be delivered with the mortgages.  
 That the printer to this state shall cause to be bound, twenty books of paper, one for the use of each loan office, and to be about two-thirds of the size of the book of mortgages for the same county, to be delivered as aforesaid, with the book of mortgages.

*XXXIII. And be it further enacted by the authority aforesaid,*  
Loan officers, in one end of said book, to minute the substance of the mortgage, to wit, the date, name, money lent, and bounds of the land;  
 That the new loan officers shall, in one end of the last mentioned book, minute the substance of each mortgage, that is, the number thereof, the date, the mortgagor's name, the sum lent, and the boundaries of the lands mortgaged; and when one of the loan officers has the custody of the book of mortgages, the other loan officer shall have the custody of the said minute book, that accidents by fire, or otherwise, may at all times be guarded against; and the printer shall make an alphabet to the said book, like to that of the book of mortgages; and the mortgagor, for his satisfaction, may examine or see the minute examined with the original mortgage, and with the witnesses shall sign the same.

*XXXIV. And be it further enacted by the authority aforesaid,*  
And in the other end of the book to insert the minutes of their proceedings, as herein directed.  
 That the new loan officers, beginning at the other end of the said book, shall insert the minutes of their proceedings therein, as follows: First, the day they meet, place, house, and loan officers present; second, if any one is absent, they shall at their next meeting minute the cause of his absence; third, shall enter the hour that every one applies for the loan of money, and the sum he applies for; fourth, shall enter down the reason why a prior applicant had not the money according to his application, and the substance of examinations for clearing titles and value; fifth, shall enter down the monies received from the treasurer, and the monies delivered to, or received from the loan officers of another county, and the day when, with a copy of the notice thereof to be delivered to the treasurer, and by whom; sixth, the last day of their four days of meeting for receiving of monies yearly, they shall enter whose mortgages are foreclosed, and the number and sums of them; seventh, shall enter the orders for, and copies of the advertisements for sale, and places at which they are to be set up, and the persons names that are to set them up; eighth, shall enter the names of the purchasers of lands, and prices sold for, and payment of the overplus to whom it belongs, with the time and witnesses of such payment; ninth, in case any principals, or part thereof are paid in before the times of payment in the mortgages, the whole amount of such principals, so paid in, shall be entered in the said book; tenth, shall enter the cause of all suits, and the informations they have received, and of whom, at length, or, if too long, refer to them in papers apart, minuting the substance; eleventh, shall enter their meetings with the judges and supervisors, and persons present, together with the minutes of all proceedings of such judges and supervisors, particularly what were the deficiencies laid before them, what measures were taken for assessing and levying such deficiencies, and which of the said judges and supervisors were for assessing, or for neglecting or delaying it.

Printer to bind 20 other blank books for the use of the loan officers, for keeping their accounts in.

XXXV. *And be it further enacted by the authority aforesaid,* That the printer to this state, shall cause to be bound other twenty books of paper, one of them for the use of each loan office, about two thirds of the size of the book of mortgages for the same county, to be delivered as aforesaid with the book of mortgages, and that therein shall be entered all the accounts on the loan office; that at the beginning there shall be an alphabet, wherein shall be inserted every man's name, and the page wherein his account stands; and that this book be kept in the fairest and best method that the loan officers can, and it is to remain in the custody of him who has the minutes of the mortgages and proceedings.

XXXVI. *And be it further enacted by the authority aforesaid,* That the deeds to be granted by the new loan officers, for any lands to be sold by them, whereof the equity of redemption is foreclosed, shall be in form following, to wit. "This indenture, made the            day of            in the year of our Lord one thousand            between the new loan officers of the county of            of the first part, and            of the second part, Witnesseth, that the said loan officers of the county of            for and in consideration of the sum of            to them in hand paid by the said            whereof they acknowledge the receipt and discharge, the said            heirs, executors and administrators the re- of forever, have, pursuant to a law of the state of New-York, entitled, "An act for loaning monies belonging to this state," granted, bargained, sold, released, enfeoffed, and confirmed, and by these presents do grant, bargain, sell, release, enfeoff, and confirm unto            heirs and assigns, all that together with all and all manner of improvements, hereditaments, and appurtenances whatsoever to the same belonging, or in any wise appertaining, and all the estate, right, title, interest, claim and demand whatsoever, of the new loan officers of the county of            and their successors, to the above bargained premises, and every part thereof. To have and to hold the above bargained premises, and every part thereof, with the appurtenances, to the said            heirs and assigns forever. In witness whereof, the said loan officers of the county of            have hereunto set the seal of their corporation, together with their hands, the day and year above written." "Sealed and delivered in the presence of." To which deed the loan officers shall affix the seal of the loan office, and respectively subscribe their names, in the presence of two witnesses.

XXXVII. *And be it further enacted by the authority aforesaid,* That upon every sale of lands, the new loan officers shall fill up the blanks in one of the loose sheets of blank mortgages like to the original mortgage, and attest the same as a true copy under their hands and the seal of the loan office, and give it instead of the original mortgage, for evidence of the title to the purchaser; and the bond to be given by the loan officers shall be in the following form, to wit. KNOW

When any lands are sold by the loan officers, they shall fill up one of the loose blank mortgages, like to the original mortgage given on such land, and deliver it to the purchaser.

all men by these presents, that we            are held and firmly bound unto the people of the state of New-York, in the sum of            to be paid to the people of the state of New-York; for payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated the            day of            in the year of our Lord one thousand

THE Condition of this obligation is such, that if the above bounden shall and do well and truly perform the office and duty of one of the loan officers of the county of \_\_\_\_\_ pursuant to the act entitled, "An act for loaning monies belonging to this state," and shall demean himself therein, without favour, malice or partiality, then the obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered in the presence of

XXXVIII. *And be it further enacted by the authority aforesaid,*  
 Mayor, Aldermen and commonality of New-York, as far as respects this act, vested with the like power, and authorities as the judges and supervisors of the other counties. That all the power and authority by this act given to, and duties required to be done by the judges and supervisors of the several other counties of this state, shall be vested in, and exercised by the Mayor, Aldermen and Commonality of the city of New-York, in common council convened, so far as the matters and things, in this act contained, relate to the county of New-York. And the Mayor, Recorder, Aldermen and Assistants, for the time being, of the city of New-York, shall be subject to the like penalties and forfeitures, as the said judges and supervisors are subject to for any default or neglect.

XXXIX. *And be it further enacted by the authority aforesaid,*  
 Order in which the treasurer is to pay the several sums herein before directed, to the loan officers of the several counties. That the treasurer shall pay the aforesaid several sums of money, directed to be paid to the loan officers of the several counties of Ontario, Herkemer, Tioga, Otsego and Clinton, upon their respectively producing to him certificates of their qualifications as aforesaid, and that he shall pay the aforesaid several sums directed to be paid to the respective loan officers of the several other counties in the following order, viz. Washington, Montgomery, Saratoga, Rensselaer, Albany, Columbia, Ulster, Dutchess, Orange, Westchester, Suffolk, Queen's, Richmond, King's and New-York, as money not otherwise appropriated may be, or may come into the treasury.

#### C H A P. XXVI.

*An ACT to incorporate the Society of Mechanics and Tradesmen of the City of New-York, for charitable Purposes.*

Passed 14th March, 1792.

**W**HEREAS Robert Boyd and others, mechanics and tradesmen of the city of New-York, associated as a society, under the style of "The General Society of Mechanics and Tradesmen of the city of New-York," for the laudable purposes of protecting and supporting such of their brethren as by sickness or accident, may stand in need of assistance, and for the relief of the widows and orphans of those who may die, leaving little or no property for their support, by their petition, presented to the legislature, have prayed to be incorporated, to enable them more beneficially, to carry into effect their charitable intentions: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the said Robert Boyd, together with Nicholas N. Anthony, Thomas Allen, William Allen, Jacob Arden, Francis Arden, John Amory, Allard Anthony, Jacob I. Arden, Thomas Ash, Elbert Anderson, Jacob Arnold, John Burger, John Burger, junior, William Bryar, Michael Brooks, Abraham Bloodgood, Francis Bassett, David Barclay, Walter Bicker, Gardner Baker, James Brown, James Bramble, John P. Bassonet, John Brower, Thomas Brewen, James Byrne, John

Said society declared to be incorporated by the name of "The general Society of mechanics & tradesmen of the city of New-York."

Brown, Peter Bertine, John Bingham, James D. Bissett, Thomas Brown, John Banks, Isaac Boyea, Caleb Boyle, John Campbell, Joseph Cheesman, John Commendener, John Cole, Peter Cole, Richard Cunningham, Samuel Campbell, Francis Childs, William Corleys, William Carman, John Citz, Seabury Champlain, John Crolus, Isaac Coulthard, James Culbertson, Richard Davis, John De La Montanye, Walter Degraw, James Van Dyck, John Van Dyck, William I. Elsworth, John Elsworth, Jacob Filler, Gabriel Furman, Jacob Fee, William Ford, George Gosman, William W. Gilbert, John Goedeve, John Gilmore, Robert Gosman, Alexander Gibson, Caleb Haviland, Thomas Hazard, Robert Hodge, Peter Hulick, Hercules Heron, William Hopson, Daniel Hitchcock, Jabez Halfey, Jacob Hallet, Aaron Howel, Obadiah Helmes, Thomas Ivers, Joseph Jadwin, Seth Kneelen, George Lindsey, Robert Lilburn, Thomas Lefoy, John Moore, John M'Comb, senior, Dennis M'Cready, John Mills, Malcom M'Euen, George Merferve, William Merferve, William Mooney, White Matlack, William Mooney, Peter R. Maverick, David Mann, Andrew Morris, James Moore, John M'Baine, Robert M'Dowl, John Ming, Isaac Moore, Peter M'Carty, John M'Combe, jun. Joseph Newton, Isaac Nicoll, John Norman, Anthony Ogilvie, Andrew Otterson, Anthony Post, Abraham Polhemus, Jotham Post, John Perian, Edward Paten, George Pake, George Peck, Alexander Peacock, William Phillips, William Parker, Abraham Ruel, James Robinson, Frederick Reiser, Thomas Ross, John Ross, Abraham Ricker, John I. Ritchie, Daniel Ruckle, John Stagg, Thomas Stevenfon, John Sidell, Daniel Stanbury, John Stricker, Graderus Smith, Frederick Stymets, Stephen Smith, Anthony Simons, Jacob Sherred, George Seal, George Speth, Henry Snyder, William Stymets, Peter Shackerly, Cornelius Sebring, Andrew Thompson, James Tylee, James Teller, Abasuerus Turk, Thomas Timpson, Daniel Tooker, John Utt, John Wyllie, Henry Will, Edward Wakeys, Hugh Walsh, William Wright, George Warner, Henry Wolf, James Warner, Nathaniel Woodward, Benjamin Williamson, John Wood, John Wright, Andrew Wright and John Young, and all persons being mechanics or tradesmen, and resident within the city and county of New-York, who hereafter shall be members of the said society, shall be and hereby are ordained, constituted and declared

And to continue to be incorporated, until the first Monday of April in the year 1812, with full power to sue and be sued, and hold real property.

to be one body, corporate and politic, in fact and in name, by the name of "The General Society of Mechanics and Tradesmen of the City of New-York," until the first Monday of April, one thousand eight hundred and twelve, and that by that name, they and their successors for the term aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure. And also, That they and their successors, by the name of "The General Society of Mechanics and Tradesmen of the City of New-York," shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the public use of the said corporation. Provided, That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such; as shall be requisite for the purpose of erecting a house or hall thereon, in which to meet, and to transact the business of the said corporation, or such as shall have been bona fide

mortgaged to it, by way of security, or conveyed to it in satisfaction of debts, previously contracted in the course of its business, or purchased at sales on judgments, which shall have been obtained for such debts. And provided also, That the amount of the real and personal estate, which the said corporation are hereby enabled to hold, shall not, at any one time, exceed the sum of fifty thousand dollars.

Their whole amount of property not to exceed \$5,000 dollars at any one time.

Officers of said corporation, their time and manner of election and continuance in office.

II. *And be it further enacted*, That the officers of the said corporation, shall be a president, vice-president and a second vice-president, a treasurer and secretary, who shall hold their offices for one year, and shall be citizens of this state; and be elected on the first Tuesday in January in every year, at such time of the day, and at such place in the city of New-York, as shall be fixed and ascertained by the bye laws of the said corporation. That all elections of the said officers or any of them, shall be by ballot, and such person who shall have at any election, the greatest number of votes given at such election; as president, shall be the president; and in like manner, the person who shall have the greatest number of votes as vice-president, shall be vice-president; and in like manner, the person who shall have the greatest number of votes for second vice-president, shall be second vice-president; and in like manner, the person who shall have the greatest number of votes as treasurer; shall be treasurer; and in like manner, the person who shall have the greatest number of votes as secretary, shall be secretary. And the said officers shall hold their respective offices for one year; and until others shall be chosen in their places. That if any vacancies shall happen among the said officers, by death, resignation or removal, such vacancies shall be filled for the remainder of the year, in which they may happen, by a special election for that purpose, to be held in the same manner; as the annual elections are made at such times and places as shall be provided for and determined, by the bye laws of the said corporation: That Robert Boyd, shall be the first president of the said corporation, Anthony Post, vice-president thereof, Daniel Hitchcock, second vice-president thereof, Thomas Lesoy, the treasurer thereof, and John Ellsworth, the secretary thereof, who shall hold their offices respectively, until the first Tuesday in January next, and until others shall be chosen in their places.

III. *And be it further enacted*, That in case it should at any time happen, that an election of officers should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an election of officers, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

IV. *And be it further enacted*, That all elections and all meetings of the said corporation, shall be made and held in a place certain, to be fixed and determined by the bye-laws of the said corporation, and that at all such elections and meetings of the said corporation, so to be held as aforesaid, twenty-five members thereof, including the president, or in his absence the vice-president, or in his absence the second vice-president, shall be considered as a quorum of the said corporation, and shall have full power to do and transact all the business thereof.

V. *And be it further enacted*, That the said corporation and their successors, shall have full power to make and prescribe such bye-laws, rules, ordinances and regulations, as to them from time to time shall appear needful and proper,

Corporation empowered to make bye-laws for their own government.

touching the management and disposition of their stock, property, estate and effects, for the purposes aforesaid, and touching the meetings of the said society, both special and ordinary, except the first Tuesday in January in every year, which is hereby declared to be the annual meeting of the society; and touching the duties and conduct of the officers of the said corporation, and touching the election of officers, and all such other matters as appertain to the business, ends and purposes for which the said corporation is by this act instituted, and for no other purposes whatsoever. Provided, That such bye-laws, rules and regulations, be not repugnant to the constitution, or the laws of the United States, or of this state.

*How additional new members are to be elected.* VI. *And be it further enacted,* That all persons being mechanics or tradesmen, and resident within the city and county of New-York, desiring to become members of the said corporation, shall be proposed by at least two members, one meeting previous to his or their election, which shall be by ballot, and determined by two thirds of the members present at such election; that then he or they be elected, on paying into the hands of the treasurer, such sum as the corporation by their bye-laws shall direct: Provided, The same shall not exceed the sum of ten dollars, shall have his or their names inserted in the general register, and shall be entitled to all the privileges and benefits arising therefrom.

And to the end, that the funds of the said corporation, may never be diverted to any other, than the charitable purposes for which the institution has been expressly made and created:

*Corporation to exhibit a state of their funds to the chancellor within a certain day, and annually ever after.* VII. *Be it further enacted,* That the said corporation shall, within twenty days after the passing of this act, exhibit to the chancellor of this state, a full and particular account of all the estate, real and personal, then vested in the said corporation, attested by the oath of the treasurer thereof, that the same is a true and perfect account; and shall also in every year thereafter, during the continuance of this act, and between the first and last day of May in each year, exhibit to the chancellor for the time being, a like account, together with a particular and detailed account of all monies by the said corporation expended, in the preceding year, specifying the several purposes to which it has been applied: And if it shall appear to the said chancellor, that any monies, except for the necessary repairs of any buildings, which may belong to the said corporation, or for the payment of the treasurer or secretary thereof, or for other charges expressly incidental to the management of the funds thereof, have been applied by the said corporation to any use, other than for the support of indigent members of the said corporation, or the widows or children of any person having been a member thereof; he shall direct the attorney general of the state for the time being, ex officio, to file an information against the said corporation in the supreme court of this state; and if upon the traverse, the said corporation shall be found guilty, and judgment shall pass thereupon, that thenceforth the said corporation shall cease and become null and void, and the estate, real and personal, which it may then possess, shall vest in the people of this state.

VIII. *And be it further enacted,* That this act be, and hereby is declared to be a public act, and that the same be construed in all courts and places, benignly and favorably, for every beneficial purpose therein intended.

## C H A P. XXVII.

*An ACT to extend the Act, entitled, "An Act for the better laying out and keeping in Repair, the Public Highways and Private Roads in the County of Westchester, to certain Roads in the County of Montgomery."*

Passed 23d March, 1792.

**B**E it enacted by the people of the State of New-York, represented in senate and assembly, That the act entitled, "An act for the better laying out, and keeping in repair, the public highways and private roads in the county of Westchester," shall be, and is hereby extended to the county of Montgomery, so far forth as respects the roads next adjoining to the Mohawk river, on both sides thereof, from the county of Albany to the county of Herkimer, and that the act entitled, "An act for the better laying out, regulating, and keeping in repair, all common and public highways and private roads in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany and Montgomery, so far as respects the above mentioned roads in the said county of Montgomery, be, and the same is hereby repealed.

II. *And be it further enacted,* That in the said county of Montgomery, where any carriages or sleighs meet each other on any of the said roads or highways, the persons in carriages or sleighs, going from the city of Albany, shall give way to those going towards the said city.

## C H A P. XXVIII.

*An ACT for the Relief of certain Baptists having conscientious Scruples against taking an Oath.*

Passed 23d March, 1792.

**W**HEREAS it has been represented to the legislature, by the petition of sundry persons of the denomination of Christians, of the Baptist persuasion, that many of their society have conscientious scruples against taking an oath: For the relief of such persons,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That all persons of the denomination of Christians, siled Baptists, being members in full communion of any Baptist church, and who have conscientious scruples against taking an oath, shall be permitted to take the affirmation allowed to be taken by the people called Quakers, in the form prescribed in and by the statute entitled, "An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath. Provided, That every person claiming the benefit of this act, shall produce a certificate from the clerk of the Baptist church to which he does belong, that he is a regular member, and in good standing in such church, and that he hath conscientious scruples against taking an oath.

II. *And be it further enacted,* That if any person or persons making such solemn affirmation or declaration, shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed and declared any matter or thing, which, if the same had been deposed in the usual form, would have amounted to wilful and corrupt perjury, every person so offending, shall incur and suffer the like pains, penalties, and forfeitures, as by the laws and statutes of this state are or shall be directed to be inflicted on persons convicted of wilful and corrupt perjury.



C H A P. XXIX.

*An ACT to amend an Act, entitled, "An Act to regulate the repacking of Beef and Pork for Exportation," so far as relates to the Counties of Suffolk, Kings, and Queens.*

Passed 23d March, 1792.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all barrels and half barrels, in which any beef or pork shall be repacked in the counties of Suffolk, Kings, and Queens, in pursuance of the act entitled, "An act to regulate the repacking of beef and pork for exportation," passed the seventh day of March, one thousand seven hundred and eighty eight, may be made of good black oak or red oak staves and heading, of the growth of the said counties, respectively; any thing contained in the said act to the contrary notwithstanding.

C H A P. XXX.

*An ACT for the Relief of George Peck, and to repeal the Twenty-Third Section of the Act, entitled, "An Act for the Payment of certain Sums of Money, and for other Purposes therein mentioned."*

Passed 23d March, 1792.

**W**HEREAS John Johnson, late of Peck's Kill, in the county of Westchester, has been convicted of adhering to the enemies of the people of this state, and his estate is hereby become forfeited to the people of this state: And whereas, The said John Johnson, had, previous to his conviction, mortgaged to George Peck a certain real estate in the said county of Westchester, for securing the payment of money due to the said George Peck: And whereas, There is now in the treasury of this state, property arising from the estate of the said John Johnson, sufficient to pay the monies due on the said mortgage: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this state, and he is hereby directed to pay to the said George Peck, the money due for principal and interest on the said mortgage, upon his assigning and conveying his estate and right of, in, and to the said mortgage and mortgaged premises, to and for the use of the people of the state of New-York.*

II. *And be it further enacted by the authority aforesaid, That the twenty third section of the act, entitled, "An act for the payment of certain sums of money, and for other purposes therein mentioned," passed the fifth day of May, in the year of our Lord, one thousand seven hundred and eighty six, shall be, and hereby is repealed.*

C H A P. XXXI.

*An ACT to establish a temporary Jurisdiction Line between the Town of Schenectady and the County of Saratoga.*

Passed 23d March, 1792.

**W**HEREAS doubts have arisen respecting the bounds of the town of Schenectady, and the county of Saratoga, from which many inconveniences arise to the inhabitants residing near the northerly and easterly bounds of the said town: For remedy whereof,

*Be it enabled by the people of the state of New-York, represented in senate and assembly, and it is hereby enabled by the authority of the same, That,* it shall and may be lawful for the surveyor general, and he is hereby directed, as soon as may be, to run the easterly and northerly bounds of the patent granted to Sware, Teunislee and others, commonly called the Schenectady patent, on the north side of the Mohawk river, in such a direction, and upon such principles, as shall appear to him to be the true intent and meaning of the patent; which line, so run, shall be the northerly and easterly bounds of the town of Schenectady, in the county of Albany, until the further order of the legislature. Provided always, That the said line shall only be considered as a line of jurisdiction, but shall not be deemed to take away a bridge, destroy or affect the right or title of any person or persons, bodies corporate or politic, in any manner, or by any means whatsoever, nor be deemed, taken, or construed as a confirmation of the bounds of any patent or patents whatsoever.

## C H A P. XXXIV.

*An ACT for the Relief of William Chafe, and for keeping in Repair the Bridge erected over Hofick River.*

Passed 23d March, 1792.

I. **B**E it enabled by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful to and for the commissioners of the land office, and they are hereby directed, to cause to be laid out for William Chafe, at his expense, a tract of unappropriated land, not exceeding twelve thousand acres, in such part of the state as they may think proper, to the northward of the Mohawk river, as a compensation for the bridge lately erected by him over Hofick river, in the county of Rensselaer, and to cause the same to be granted by letters patent, under the great seal of this state, to him and his heirs, upon his granting and conveying the said bridge, and all his right, title, and interest, of, in, and to the same, and of, in, and to the highway, leading to and from the said bridge, on each side of the said river, to the people of this state.

II. *And be it further enabled,* That the commissioners of the highways for the town of Schachtekoke, for the time being, shall cause the said bridge, from time to time, to be maintained and kept in repair at the expense of Rensselaer county, such expense to be assessed, raised, and collected in the said county, in the same manner as the other contingent charges of the said county are assessed, raised, and collected; which monies, so raised for the expense of the said bridge, shall be paid to the commissioners of the highways in the town of Schachtekoke, for the purpose aforesaid: Provided, The sum so to be raised for such expense, shall not exceed, in any other year, the sum of fifty pounds.

III. *And be it further enabled,* That the act entitled, "An act for the relief of William Chafe," shall be, and hereby is repealed.

## C H A P. XXXV.

*An ACT concerning Administrations and Escheats.*

Passed 23d March, 1792.

**W**HEREAS administrations have been frequently granted in this state, upon the mere suggestion of the party applying for the same, without due proof of the death of the person upon whose estate they are

granted; and it has happened, that administrations have been granted upon the estates of persons who were then living and residing within this state, and administrations are frequently granted to persons in no wise related to the intestate, and who procure administrations, only with a view of appropriating the estates of the intestate to their own use, from which practices great inconveniences are likely to ensue: For remedy whereof,

*I. Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That*

No administrations hereafter to be granted without due proof of the death of the party.

no letters of administration shall hereafter be granted by the judge of probates, or by any surrogate upon the estate, goods, chattels or credits of any person, represented as having died intestate, until due proof be made before the said judge or such surrogate, to his satisfaction, that such person is dead, and died intestate.

When application is made for letters of administration upon an intestate's estate, by any one but the next of kin, certain citations to be issued.

*II. And be it further enacted by the authority aforesaid,*

That when application is made for letters of administration upon the estate, goods, chattels or credits of any person dying intestate, by any person or persons not entitled to the same, as next of kin to the intestate, the judge of the court of probates, or surrogate, to whom such application shall be made, shall, before the granting of the administration, issue a citation to the next of kin to the intestate, summoning them to appear and shew cause, if any they have, why the administration should not be granted to the person or persons so applying, which citation shall be served upon the next of kin to the intestate, if to be found in this state; and if the next of kin to the intestate cannot be found in this state, then a copy of such citation shall be affixed up in some public place in the town where the intestate did reside, at the time of his death, at least four weeks before the return thereof. And in case such intestate did not reside within this state at the time of his death, then a copy of the citation shall be published in the newspaper printed by the printer for this state, for four weeks successively before the return thereof. And in case it shall be represented, that such intestate left no relations entitled to his estate, then a copy of such citation shall also be served upon the attorney-general of this state for the time being, at least twenty days before the return thereof.

Judge of probates or surrogate, upon granting letters of administration with the will annexed, to take bonds with two sufficient sureties.

*III. And be it further enacted by the authority aforesaid,*

That the judge of the court of probates of this state, and the surrogates of each of the respective counties of this state, and every of them for the time being, shall and may, upon their respectively granting and committing of administration of the goods of any person, with the will of such person annexed, take of the respective person or persons to whom such administration shall be committed, bonds with two or more able and sufficient sureties, being freeholders to the people of the state of New-York, in such penalty as the judge or such surrogate shall think reasonable, respect being had to the value of the estate, with condition as follows, viz. "The condition of this obligation is such, that if the above bounden administrator (or administratrix, as the case may be) of all and singular the goods, chattels and credits of deceased, with the will of the said deceased, annexed, and not administered by (as the case may be) do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to

the hand, possession or knowledge of the said or into the hands or possession of any other person for the said and the same so made, do exhibit, or cause to be exhibited (where such bond shall be taken by the judge of the court of probates) into the registry of the court of probates of this state (but where such bond shall be taken by a surrogate) into the office of the surrogate of the county of at or before the expiration of six calendar months from the date of the above written obligation, and the same goods, chattels and credits, and all other goods, chattels and credits of the said deceased at the time of death, which at any time after shall come into the hands or possession of the said or into the hands or possession of any other person or persons for the said do well and truly administer, according to the directions and true intentions of the testator or (testatrix, as the case may be) expressed in the will to the letters of administration granted to the said annexed, and as the law directs; and further when thereunto lawfully required, do make or cause to be made, a just and true account of administration; then this obligation to be void and of none effect, or else to remain in full force and virtue." Which bonds shall be of the same force and effect and may be prosecuted upon the like occasions, and for the purposes, and in the same manner, as the bonds taken upon granting administrations on the estates of persons dying intestate.

IV. *And be it further enacted by the authority aforesaid,*

That in all cases where administration hath been, or hereafter shall be granted to any person or persons not the widow of, or not of kin to the intestate; and no person hath or shall within one year after granting the letters of administration, appear to claim the personal estate of such intestate as next of kin, then, and in every such case, the administrator or administrators shall pay the amount of the personal estate, after deducting the debts and funeral charges of the intestate, into the treasury of this state, for the benefit of those who may thereafter appear to be entitled to the same. And if any administrator shall refuse or neglect so to do, it shall and may be lawful for the attorney-general of this state for the time being, and he is hereby directed at any time after the expiration of one year after the granting the said administration, to cause such administrator to be cited to exhibit a just and true inventory, and render an account of the administration of the goods, chattels and credits of such intestate, unless such administrator shall have before exhibited such inventory, and then only to render an account of the administration as aforesaid, and the judge of the court of probates, or surrogate, before whom such administrator shall be cited, shall thereupon examine and settle such account, and after deducting all debts and funeral charges of the intestate, shall order and direct the administrator to pay the balance to the treasurer of this state for the purposes aforesaid, but no commission whatsoever shall in such case be allowed to such administrator on such account, and in case any such administrator shall neglect or refuse to exhibit such inventory, or to render such account, or to pay the amount of the estate of the intestate to the treasurer as aforesaid, then and in every such case, it shall be lawful for the attorney-general, and he is hereby directed to cause a suit to be brought for and on behalf of the people of the state of New-York against such administrator, in any court of record, for the sum so ascertained by the judge of the court of probates, or surrogate, or in the court of chancery, for an

When any one but the widow, or next of kin, has administered, and no person appears within a year to claim the personal estate, then the administrator to pay the same, after deducting funeral charges, &c. into the state treasury.

If any administrator shall refuse to exhibit an inventory, or pay the surplus into the treasury as above directed, attorney-general to bring a suit against him.

account of the estate of the intestate, and to compel payment of the same into the treasury as aforesaid, and also to cause suits to be brought upon the bond given by such administrator upon obtaining the letters of administration: And if such administrator shall be found in default, and judgment, or

And the monies recovered in such suit to be paid into the treasury for certain purposes.

a decree be given or obtained against him in any such suit, he shall pay costs therein, to be taxed to the attorney-general: And the monies recovered in every such suit and upon such bonds, shall be paid into the treasury of this state for the purposes aforesaid. And if any person, at any time thereafter, shall claim any part of the money so paid into the treasury, such person may present a petition to the chancellor, stating the claim, and praying an order to the treasurer to pay the money, a copy of which petition shall be served upon the attorney-general, who shall put in an answer to the same, and the chancellor shall thereupon examine the said claim, and the allegations and proofs, and if he shall find that such person is entitled to any money so paid into the treasury, he shall cause an order or warrant to be issued, directing the treasurer to pay the same, but without any interest or costs to the person so entitled to it, which warrant or order shall be sealed with the seal of the said court of chancery, and be signed by the chancellor, and countersigned by the register of the said court, and shall be a sufficient voucher for the payment of the money therein directed to be paid.

*V. and be it further enacted by the authority aforesaid,*

When any person dies intestate, and without heirs, the attorney-general to cause a writ of seizure to be issued out of the court of chancery to the sheriff of the county.

That whenever the attorney-general of this state shall be informed, or have reason to suspect, that any person has died seized of any real estate within this state, without making any devise thereof, and leaving no heir capable of inheriting the same, it shall be lawful for him, and he is hereby required to cause a writ to be issued out of the court of chancery, and directed to the sheriff of the county in which the same real estate

shall be situated, in the form following: "The people to the sheriff of greeting: Because we are informed that A. B. died seized of divers lands, tenements and hereditaments, in your county, without making any devise thereof, and leaving no heir capable of inheriting the same, we command you, that by the oath of twelve good and lawful men of your balivick, you diligently enquire what lands, tenements and hereditaments, the said A. B. was seized of at the time of his death, of any and what estate of inheritance, and when he died, and whether he made any and what devise thereof, and whether he left any heir, and if he did, who is his heir, and what is the clear yearly value of such lands, tenements and hereditaments, above reprises; and the inquisition which you shall take thereof, do you send under your seal, and the seals of those by whose oath you take the same inquisition, before us in our chancery, without delay, wheresoever the said court shall then be, together with this writ." And upon the return of the inquisition thereupon taken, any person aggrieved thereby, may traverse the same; and when any issue shall be joined thereupon, the record thereof shall be sent into the supreme court of judicature of this state, there to be tried and determined according to law; and if judgment shall be given thereupon for the people of this state, then a writ shall be issued out of the same supreme court, to the sheriff of the same county, commanding him to seize and take the lands, tenements and hereditaments whereof the person named in such inquisition, shall be found to have died seized as aforesaid, into the hands of the people of this state. But if no such



VII. *And be it further enacted by the authority aforesaid,* That the attorney general shall keep an account of the expenses incurred by him in the execution of this act, and shall, yearly, in the term of January in every year, produce the same to the judge of the court of exchequer, with an account of all the costs and sums of money received by him on account of prosecutions in virtue of this act; and the judge shall examine, audit, and settle the said account, and if any balance shall be found due thereon to the attorney general, the same shall be allowed and paid to them out of any monies then in the hands of the clerk of the said court of exchequer, or in the hands of the said attorney general, and if neither of them have sufficient for that purpose, then the judge shall issue his warrant to the treasurer to pay the balance to the said attorney general; which warrant shall be under the seal of the said court of exchequer, and be signed by the judge, and countersigned by the clerk of the said court, and shall be a sufficient voucher to the treasurer for the payment of the sum therein directed to be paid.

## C H A P. XXXVII.

*An ACT to regulate the Practice of Physic and Surgery, within the City and County of New-York.*

Passed 27th March, 1792.

**W**HEREAS many ignorant and unskilful persons presume to administer physic, and practice surgery within the city and county of New-York, to the detriment and hazard of the lives and limbs of the citizens thereof, for the prevention of such abuses in future,

*1. Be it enacted by the people of the state of New-York, represented in senate and assembly,* That from and after the passing of this act, no person whatio-

No person to be admitted to practice physic in New-York until he has passed an examination and served an apprenticeship. ever shall administer physic or practice surgery within the city and county of New-York, before he shall have attended the practice of some reputable physician in the state of New-York, or elsewhere, for a term not less than two years, if

he shall have been graduated in some college in the United States: nor less than three years, if he has not been so graduated, nor before he shall have been first examined, approved of and admitted by the governor, chancellor, judges of the supreme court, attorney general, the mayor and recorder of the said city, or any two of them, they taking to their assistance for such examination, any three respectable practitioners of physic and surgery, with whom the person or persons to be examined, have not lived to acquire medical information, who after due examination, and satisfactory proofs being given of such candidates knowledge in the several necessary branches of medicine, shall certify under their hands and seals, that the person so examined is approved of, and ought to be admitted to practice in the said faculty, and shall give a testimonial, or certificate, of his examination and admission in the form following, viz.

TO all to whom these presents shall come, or may concern, Know ye, That in pursuance of an act of the legislature of this state, passed the day of                      in the year                      entitled, "An act to regulate the practice of physic and surgery, within the city and county of New-York, We have duly examined                      in respect to his knowledge of medicine, and having found him well qualified for the practice of this art, We do hereby admit him to practice in the said faculty in this city and county. In testimony whereof, we have hereunto set our hands and seals, the                      day of                      in the year

Penalty for practicing without such certificate.

II. *And be it further enacted*, That if any person shall practice physic or surgery within the city and county of New-York, without such testimonial as aforesaid, he shall not be entitled to any legal demand for his medicine and services; and shall forfeit and pay for every such offence, the sum of seven pounds; one half thereof to the use of any person or persons who will first sue for the same, and the other half to the use of the poor of the said city and county, to be recovered by action of debt in any court, where sums of this amount are cognizable, with costs of suit; and if he shall commence any suit for recovery of damages, in consequence of his said services, or for the administering of medicine, it shall be lawful for the defendant in any such suit, to plead the general issue, and give this act and the special matter in evidence.

This act not to affect practitioners already in practice;

Provided always, That this act shall not be construed, to extend to any person or persons practicing physic and surgery within the said city and county, previous to the passing of the same. And provided always, That where any person not qualified by law, shall administer medical aid, in any sudden emergency, without demanding or receiving any thing for the said service, that in such case the said person shall not be liable to the penalty hereby inflicted. Provided also, That nothing herein contained, shall be construed to prevent any physician or surgeon, resident in any neighbouring county or state, being called into consultation, or practicing on any particular occasion when so called upon. And provided also, That nothing herein contained, shall be construed to affect any person or persons, who may have, or shall obtain a degree of Doctor of medicine, in any college or university of any of the United States, having authority to confer the same.

Any physician practicing without such certificate, may be complained of for malpractice, to the mayor or recorder, who in their discretion may notify him thereof.

III. *And be it further enacted*, In case of the malpractice of any practitioner in physic or surgery, who has never legally obtained the aforesaid testimonial: And in case of complaint made of the same, in a written memorial, addressed to the mayor or recorder of the said city, and signed by three reputable physicians, that then the said magistrate, to whom such complaint shall be preferred, and after due enquiry, if he deem it expedient, notify the said practitioner of the said complaint, after which notification, he, the said practitioner complained of, shall remain, with respect to his after practice, exposed to all the penalties of this act; until he shall obtain a legal testimonial of his medical capacity, of the same kind, and in the same manner as is described in the first section of this act.

## C H A P. XXXVIII.

### *An ACT for the Relief of John Ten Broeck.*

Passed 27th March, 1792.

**W**HEREAS John Ten Broeck, late sheriff of the county of Albany, hath, by his petition to the legislature, prayed for further time to present his accounts (while in the execution of his office) for settlement: And whereas it appears advisable to grant relief in the premises:

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That the treasurer of this state, shall and may discontinue any suit or suits by him commenced against the said John Ten Broeck, late sheriff of the



county of Albany, pursuant to the thirty-second section of the act entitled, "An act to compel the payment of the arrears of taxes, for enforcing the payment of fines and amerciaments, obliging sheriffs to give security for the due execution of their offices, and for other purposes," passed the twenty-sixth day of November, in the year of our Lord, one thousand seven hundred and eighty-four, upon his exhibiting and filing on oath, according to the best of his knowledge and belief, such account and list as is directed by the said act, and paying the amount thereof liquidated by the auditor, together with the costs of such suit or suits, to the said treasurer on or before the first day of February next.

II. *And be it further enacted*, That it shall and may be lawful for the court of exchequer, at any time before the end of January term next, to examine, audit, and settle the accounts of the said John Ten Broeck, in the same manner as if he had presented his accounts in due time.

## C H A P. XL

*An ACT for establishing and opening Lock Navigations within this State*  
 Passed 30th March, 1792.

**W**HEREAS a communication by water, between the southern, northern and western parts of this state will encourage agriculture, promote commerce, and facilitate a general intercourse between the citizens :  
 Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That there

shall be established two companies of stockholders ; one for the purpose of opening a lock navigation from the now navigable part of Hudson's river, to be extended to lake

Ontario and to the Seneca lake, and to be called and known by the name of "The president, directors and company of the western inland lock navigation in the state of New-York," and one other company for the like purpose, from the now navigable part of Hudson's river to lake Champlain, and to be called and known by the name of "The president, directors and company of the northern inland lock

navigation in the state of New-York ;" that the capital stock of the said western company shall consist of one thousand shares, and the capital stock of the said northern company shall consist of one thousand shares. And that subscriptions for shares in the said companies respectively, shall be taken in manner following, to wit : Samuel Jones, David Gelfon, Comfort Sands, Melancton Smith and Nicholas Hoffman, or any three of them, shall be a board of commissioners for taking subscriptions in the city of New-York ; and Abraham Ten Broeck, John Taylor, Philip S. Van Rensselaer Cornelius Glen and John Ten Broeck, or any three of them, shall be a board of commissioners for the like purpose in the city of Albany. And each board shall provide two books, one for the western and one for the northern navigation, and shall enter in each book as follows : "We whose names are hereunto subscribed, do, for ourselves and for our legal representatives, promise to pay to the president, directors and company of the inland lock navigation, in the state of New-York, established and incorporated by the act entitled, "An act for establishing and opening lock navigations within this state, such sums of money for each share (which we or our legal representatives shall from time

Two companies established for opening inland navigation.  
 Name and stile of the companies.  
 Stock of said companies to consist of 1000 shares each.

to time hold in the said corporation) and in such proportions as and at such time and times as the president and directors aforesaid shall direct and require, in addition to the sums which shall have been retained in the hands of the commissioners appointed by the said act." And the said boards of commissioners respectively, shall open the books for the taking in subscriptions for the purposes aforesaid, on the first Tuesday of May next, and shall take the subscriptions of every person who shall offer to become a subscriber, from day to day (Sundays excepted) until the last Tuesday of the said month, and the commissioners first above named, shall, at least ten days previous to the first Tuesday of May, give notice of the day on which the subscription books shall be opened, and of the day inclusive on which they will close, in the newspaper printed by the printer to this state; and the other commissioners shall give the like notice, in at least one of the newspapers printed in the city of Albany, and another at Lansingburgh, in the county of Rensselaer. Provided always, That every subscriber shall, at the time of subscribing, pay unto the said commissioners with whom he or she shall subscribe, the sum of twenty-five dollars in gold or silver, bills of credit of this state, or notes issued by the bank of the United States, or the bank of New-York, for each share by him or her subscribed; and if any subscriber shall at the time of subscription, pay for more shares than shall eventually be certified by the said commissioners, then, and in every such case, the commissioners shall retain no more of the subscription money in their hands, than will amount to the shares so certified, at the rate of twenty-five dollars for each share, and return the overplus to the subscriber entitled thereto: And provided further, That within the period above mentioned, no person, or body politic or corporate, shall subscribe more than ten shares. And the commissioners by this act appointed in the city of Albany, or any three of them, shall, on the day next after the last Tuesday of May, or as soon thereafter as may be, certify under their hands and seals, to the commissioners appointed in the city of New-York, a true list of the subscribers in their book, with the true number of shares subscribed by each, and if it shall appear to the commissioners appointed in the city of New-

Each subscriber to pay at the time of subscription 25 dollars for each share he shall subscribe.

If any person subscribe for more shares than he shall eventually receive, the surplus money to be returned to him.

Number of shares limited to each subscriber, during the first period of subscription

If one thousand shares are not subscribed within the first period of subscription, the books again to be opened.

publication of such notice, their books will again be opened, and that they will continue to receive subscriptions from day to day for the space of four

And if at the end of the second period of subscription, the books shall be closed, and the company, after they become incorporated, may receive subscription for the deficient shares, or not.

But if on the first subscription the shares subscribed exceed 100, then the excess to be deducted.

But if it should appear to the said commissioners first

herein mentioned, that on the said last Tuesday of May, the aggregate of all the shares subscribed exceed one thousand, the excess shall be deducted from the respective subscribers to each company in the manner following, to wit:

*Mode for making such deductions pointed out.* I. If the whole number of subscribers amount to one thousand, whatever may be the number of shares subscribed, each subscriber shall be entitled to one share.

II. If the whole number of subscribers exceed one thousand; it shall be determined by lot, by the said commissioners, which of the subscribers shall be entitled to a share, and which not.

III. If the number of subscribers are less than one thousand, and the number of shares by them subscribed exceed one thousand, then those who have only subscribed one share shall be entitled to such share, and the remaining subscribers shall be classed into nine classes, one class to consist of all those who have subscribed two shares; one class of those who have subscribed three shares; one class of those who have subscribed four shares; one class of those who have subscribed five shares; one class of those who have subscribed six shares; one class of those who have subscribed seven shares; one class of those who have subscribed eight shares; one class of those who have subscribed nine shares; and one class of those who have subscribed ten shares; after which, the shares to be deducted from each class shall be determined by the following rule, to wit. As the aggregate of all the shares subscribed by the nine classes is to the excess above one thousand, so is the aggregate of the shares subscribed by any class, to the shares to be deducted from that class; the aggregate deduction to be made from each class being thus determined, if such aggregate is less than one share for each subscriber, it shall be determined by lot, which of the subscribers shall hold two shares; if such aggregate is more than one share to each subscriber, it shall be determined by lot, which of the subscribers shall hold one share; and the like rule shall be applied to the deduction in each of the other eight classes. And the said commissioners, appointed in the city of New-York, shall then

After which the commissioners shall make out a list of the subscribers with their number of shares, and deliver it to the governor.

And if it appears to him that 500 shares are subscribed to each company, he shall direct the same to be filed and recorded in the secretary's office.

make out full and perfect lists of all the subscribers to the stock of each company respectively, with the number of shares to which each subscriber is entitled, and having acknowledged the same before the chancellor, or one of the judges of the supreme court, they shall deliver the same to the person administering the government of this state for the time being, and if it shall appear to him, that five hundred shares are subscribed to the company to be known by the name of "The president, directors, and company of the western inland lock navigation in the state of New-York," he shall direct the list to be filed, and entered of record, in the secretary's office of this state; and if it shall appear to him, that five hundred shares are subscribed to the company, to be known by the name of "The president, directors, and company of the northern inland lock navigation in the state of New-York," he shall give like directions to the said secretary, relative to the list thereof.

II. *And be it further enacted by the authority aforesaid,* That immediately from and after the filing and recording in manner aforesaid, the list of subscribers to the western company, the persons therein named as subscribers, whilst they continue stockholders therein, and all others who shall become stockholders therein, shall be, and are hereby created and made a corporation and body politic, in fact and in

Immediately after the filing and recording of such lists, the companies declared to be incorporated, with perpetual succession, &c. and to hold any kind of property to the amount of 500,000 dollars cash.

name, by the name and stile of "The president, directors and company, of the western inland lock navigation, in the state of New-York," and that by that name, they and their successors for ever shall, and may have perpetual succession: And that immediately from and after the filing and recording in manner aforesaid, the list of subscribers to the northern company, the persons therein named as subscribers, whilst they shall continue stockholders therein, and all others who shall become stockholders therein, shall be, and are hereby created and made a corporation and body politic, in fact and in name, by the name and stile of "The president, directors, and company of the northern inland lock navigation in the state of New-York," and that by that name they and their successors for ever, shall and may have perpetual succession, and by those names shall be, and hereby are respectively made persons able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and to their respective successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of what kind, nature, or quality soever, to the amount of three hundred thousand dollars each, and the increase and profits thereof, and of enlarging the same, from time to time, by additional payments of the stockholders in such companies respectively, and in such manner and form as they shall think proper, if such additional payments shall be found necessary to fulfil the end and intent of the incorporations hereby created and made, and herein after particularly specified and directed; and to no other use, intent and purpose whatsoever; and the same estate or estates, or any part thereof, to sell, grant, demise, alien or dispose of;

May sue and be sued, have a common seal, &c.

to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record, or any other place whatsoever; and also to make, have, and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish, and put in execution, such bye-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of the said corporations respectively, not being contrary to the law of this state, or to the constitution thereof; and generally to do and execute all and singular acts, matters, and things, which to them it shall or may appertain to do; subject, nevertheless, to the rules, regulations, restrictions, limitations, and provisions herein prescribed and declared.

### III. *And be it further enabled by the authority aforesaid,*

Thirteen directors to be annually chosen for the government of each corporation. The time and manner of their election.

That for the well ordering of the affairs of the said corporations respectively, there shall be thirteen directors for each corporation, of whom there shall be an election, after the present year, on the first Monday of May in every year, by the stockholders and proprietors of the capital stock of each of the said corporations, and by a plurality of votes actually given by such stockholders in person, or by their legal proxies, and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the first Monday of May next ensuing the time of such election, and until others are duly elected in their places; and the said directors, at their first meeting after each election, shall choose one of their number as president. Provided always, That out of the following persons first directors named, in this proviso named, thirteen, and in the order in which they are named, if so many of them shall appear to be stockholders, from the record of the certificate herein before mentioned, shall be, and hereby are appointed the first directors of the corporation, by virtue of this act, to be instituted by the name of "The president, directors, and company, of the western

inland lock navigation in the state of New-York," that is to say, Philip Schuyler, Leonard Gansevoort, Jeremiah Van Rensselaer, Elkanah Watson, John Taylor, Jellis A. Fonda, William North, Goldsbroow Banyar, Daniel Hale, John Watts, Walter Livingston, Dominic Lynch, James Watson, Matthew Clarkion, Ezra L'Hommedieu, Melancton Smith, David Gelsion, Stephen Lush, Cornelius Glen, Silas Talbot, John Frey, Douw Fonda, John Sanders, Nicholas I. Roosevelt, Daniel McCormick, Marinus Willet, Jonathan Lawrence, Philip Van Cortlandt, and James Clinton; and that, out of the following persons in this proviso named, thirteen, and in the order in which they are named, if so many of them shall appear to be stockholders, from the record of the certificate herein before mentioned, shall be, and hereby are appointed the first directors of the corporation, by virtue of this act, to be instituted by the name of "The president, directors, and company, of the northern inland lock navigation in the state of New-York," that is to say, Philip Schuyler, Abraham Ten Broeck, John Williams, Stephen Van Rensselaer, Jacobus Van Schoonhoven, John Van Rensselaer, Abraham G. Lansing, Cornelius Glen, Henry Quackenbosc, Robert R. Livingston, Philip Livingston, James Duane, Alexander M'Comb, Samuel Jones, Nicholas Low, Dirck Lesserts, William Duer, Peter Van Nesa, Barent Bleecker, Henry Livingston, Peter Gansevoort, Peter B. Tearse, Alexander Webster, George Wray, Thomas Tillotson, Matthew Scott, Zephaniah Platt, John Thurman, Albert Pawling, and Zina Hitchcock: And if there shall not be thirteen stockholders amongst the persons whose names are mentioned, and out of which directors are to be taken in manner aforesaid, for each of the said corporations respectively, then the deficiency in each shall be chosen in manner following, that is to say: The said commissioners first in this act above mentioned, or any three of them, shall, immediately after the filing and recording the certificate herein before mentioned, appoint a time when, and a place where, an election shall be held for electing directors for each company, and shall give at least twenty days notice of such time and place, by publishing in the newspaper printed in the city of New-York by the printer to the state, and in at least one of the newspapers printed in the city of Albany, or at Lansingburgh, at which time and place directors shall be chosen in manner above described, and at which election the said commissioners in the city of New-York, or any three of them, shall preside; and a list of the directors of each corporation, so chosen, shall be by them, the said commissioners, published in the newspapers in manner aforesaid, and shall, by the said commissioners, be requested to meet on a day, and at a place certain, to be therein mentioned; and being so met, they shall choose one of their body to be the president, and the directors and president so chosen shall continue in office until the end of the first Monday in May next ensuing such election, and until others are duly elected in their places. Provided always, That in case it should at any time happen, that an election of directors should not be made upon any day when, pursuant to this act, it ought to have been made, neither of the said corporations shall for that cause be deemed to be dissolved, but it shall be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporations respectively. And provided also, That in case of the death,

resignation, absence from the state, or removal of a director by the stockholders, his place may be filled up by a new choice for the remainder of the year, by election at a special meeting to be held for that purpose.

President and directors, empowered at any time to convene special meetings of the stockholders.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the presidents and directors of the said incorporations respectively, to convene special meetings of the stockholders, whenever such meetings shall appear necessary, giving at least fifteen days notice thereof in the newspapers, in manner herein before directed.

Directors of such corporation may appoint their officers, agents, workmen, &c. as fixed on by their laws and ordinances.

V. *And be it further enacted by the authority aforesaid,* That the directors for the time being of each of the said corporations respectively, shall have power to appoint such officers, agents, clerks, superintendants, engineers, workmen, and others under them as shall be necessary for executing the business of the said corporation, and to allow to them such compensation for their services respectively as the said directors shall deem reasonable and proper, and shall be capable of exercising such other powers and authorities for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed and determined by the laws, regulations, and ordinances of the same, not contrary to, or inconsistent with the constitution and laws of this state.

VI. *And be it further enacted by the authority aforesaid,* That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of each of the said corporations, viz. First, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the proportions following, that is to say, for one share, and not more than two shares, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, co-partnership or body politic, shall be entitled to a greater number than thirty votes, and after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election; stockholders actually resident in this or any of the United States, and none other may be directors. Second, not more than three fourths of the directors in office, exclusive of the president, shall be eligible for the next succeeding year; but the director who shall be president at the time of an election may always be re-elected. Third, no director shall be entitled to any emolument unless the same shall have been, or shall be allowed by the stockholders at a general meeting, the stockholders shall make such compensation to the president for any extraordinary attendance as shall appear to them reasonable. Fourth, not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director whom he by writing under his hand shall nominate for the purpose. Fifth, any number of stockholders not less than sixty, who, together shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least twelve weeks notice in at least one newspaper printed in the city of New-York, and in at least one newspaper printed in the city of Albany. and in the town of Troy, in Rensselaer county, and specifying in such notices the object or objects of such meeting. Sixth, every treasurer, before he enters upon the duties of his office, shall give bond with two or more sureties to the satis-

faction of the directors, and in such sum as the directors shall think proper. Seventh, the lands, tenements and hereditaments which it shall be lawful for the said corporations respectively to hold, shall be only such as shall be requisite for the immediate purpose for which those corporations have been created and made, and such other as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. Eighth, no bank shall be established by either of the said corporations, nor shall either of them enter into any money negotiations, other than such as shall be immediately incident to the purposes for which the said corporations have been instituted, nor shall either of the said corporations, be stockholders in any bank whatsoever, nor shall they or either of them deal in or hold any stock of funded or other debt of the United States, or of this state or any other state whatsoever. Ninth, the stock of the said corporations respectively, shall be assignable, and transferable according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same. Tenth, all bills or notes, which may be given by either of the said corporations or their directors, signed by the president, and countersigned by the treasurer or principal clerk, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the corporation using the same, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were so issued by such private person or persons, that is to say; those which shall be payable to any person or persons, his, her or their order, shall be assignable by indorsement, in like manner and with the like effect, as promissory notes now are, and those which are payable to bearer, shall be negotiable and assignable by delivery only. Provided always, That no such bills or notes shall be issued, which shall not specify the particular service or article for which they were paid. And provided also, That the article or services for which they are issued, were articles used, or to be used for the purposes of the institution, or services performed therefor. Eleventh, half yearly dividends shall be made by each of the said corporations, of all the neat annual income thereof amongst the stockholders in proportion to their respective shares, and no transfer of any share shall be made in any other manner than shall be directed by the president and directors of such company respectively.

Corporations by themselves or agents, may enter upon any land, whereto they deem it necessary to make their canals; And may agree with the owners for the purchase thereof.

VII. *And be it further enacted by the authority aforesaid,* That each of the said corporations, by the president and directors, or by any agent, superintendant, engineer or other person employed in the service of such corporation, may enter into, and upon all and singular the land and lands covered with water, where they shall deem it proper to carry the canals and navigation herein before particularly assigned to each of the said corporations, and to lay out and survey such routs and tracts as shall be most practicable for effecting navigable canals as aforesaid, by means of locks and other devices, doing nevertheless as little damage as possible to the grounds and inclosures, in and over which they shall pass, and thereupon, it shall and may be lawful, to and for the said presidents and directors respectively, to contract and agree with the owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the

purpose of making, digging and perfecting the said canals, and for erecting and establishing all the necessary locks, works and devices to such navigation belonging, if they can agree with such owners; but in case of disagreement, or in case the owner thereof shall be feme covert, under age, non compos mentis, or out of the state, then it shall and may be lawful, to and for the said president and directors, to apply to the chancellor of this state, who, upon such application is hereby authorized and empowered, enjoined and required, to frame and issue one or more writ or writs as occasion shall require, in the nature of a writ of ad quod damnum, to be directed to the sheriff of the county in which such lands and tenements shall be, commanding him that, by the oaths of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall enquire, whether the person or persons owning any lands and tenements necessary to be used by the said president and directors, or which shall be injured in establishing the said canals and navigation, which person or persons shall be named, and which lands and tenements shall be described in such writ or writs, which will suffer and sustain any, and what damages, by reason or means of taking any lands, tenements, mill, mill-pond, water, water-course, or other real hereditaments necessary for the use of the said canals and navigation, and the works and locks thereto belonging, and to return the same writ, together with the finding of the said jury, to the court of chancery of this state, without delay after such finding; and upon such writ being delivered to the said sheriff, he shall give at least fourteen days notice in writing to all and every of the owners and occupants of the premises, who shall be within his bailiwick, and shall also affix a copy of such notice on the door of the court house or gaol within his bailiwick, and if there is no court house or gaol, then on the door of some noted tavern within the same, of the lands and tenements in the said writ described, of the time of executing the same, and shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick, who shall be selected in such manner as struck juries usually are, to whom he shall administer an oath, that they will diligently enquire concerning the matters and things in the said writ specified, and a true verdict give according to the best of their skill and judgment, without favor or partiality, and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements in such writ specified, and having considered the quantity of land, land covered with water, mills, buildings or other improvements that shall be necessary to be vested in the said corporations for the purposes aforesaid, and any water-course then existing, the use whereof will be necessary for the purpose aforesaid, they shall cause the same to be minutely and exactly described by metes and bounds, or other particular descriptions, and shall value and appraise the injury or damages, if any, which the owner or owners of the said lands, tenements, mills, water, water-courses, buildings or improvements, will, according to their best skill and judgment, sustain and suffer by means of so much of the said lands and tenements being vested in the said corporations, or by means of such improvements being destroyed, or rendered useless or of less value, or by means of the said corporations being permitted to turn such water to fill their canals and locks, or by means of the said corporations being permitted to enlarge any mill-pond, mill-race or other water-course, and to use the same, as, and for part of their said canals and navigation, or by any other means whatsoever, defining and ascertaining as well all such lands and tenements, liberties and privileges so to be vested in either of the said corporations, as the several sums at which the said injuries and damages shall be so assessed; and



the said sheriff and jury shall make an inquisition, under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid, and the sheriff shall forthwith return the same, together with the said writ, to the said court of chancery, and thereupon the chancellor shall examine the same, and if the said writ shall appear to have been duly executed, and the return thereof be sufficiently certain, to ascertain the lands and tenements, rights, liberties and privileges intended to be vested in the said corporations, and the several compensations awarded to the owners thereof, then the said court shall enter judgment, that the said corporation, paying to the several owners as aforesaid, the several sums of money in the said inquisition assessed, or bringing the same into the said court, over and besides the costs of such writs, and of executing and returning the same, shall be entitled to have and to hold to them, and their successors and assigns for ever, all and every the lands, tenements, rights, liberties and privileges in the said inquisition described, as fully and effectually as if the same had been granted to them by the respective owners thereof. And if any of the returns so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition de novo.

VIII. *And be it further enacted by the authority aforesaid,*

That whenever any or either of the said canals shall cross any public or private road or highway, laid out and established according to law, or shall divide the grounds of any person, so as to require a ford or bridge to cross the same, the jury who shall enquire of the damages to be sustained in manner herein directed shall find and ascertain whether a passage across the same shall be admitted and maintained by a ford or by a bridge, and on such finding, the president and directors of the corporation to whom such canal shall belong, shall cause a ford to be rendered passable, or a bridge, fit for the passage of carts and waggons, to be built, and forever thereafter maintained and kept in repair, at all and every of the places so ascertained by the said jury, at the cost and charges of such corporation; but nothing herein contained shall prevent any person from erecting and keeping in repair any ford or bridge across either of the said canals, at his own expence, where the same shall pass his ground. Provided, Such bridge shall be of such height above the water as shall be usual in the bridges erected by the corporations to whom such canals belong: And provided also, That such ford or bridges, so to be erected by the owners of such land, shall not interfere with any of the locks, buildings, or other works of the said corporation.

IX. *And be it further enacted by the authority aforesaid,*

That the president and directors of each of the said corporations shall have power and authority, from time to time, to fix the several sums of money which shall be paid by the subscribers, or holders of every share of the stock of the said corporations respectively, in part of the sum subscribed, and the time when each and every of the dividends, or parts thereof, shall be paid, and the place where they shall be received: and shall give at least thirty days notice, in two of the public newspapers, one of which notices to be published in the city of New-York, in the newspaper printed by the printer to this state, and the other in the city of Albany, of the sum or dividend, and the time and place of receiving the same; and if any stockholder shall neglect to pay such proportions, at the place or places aforesaid, for the space of thirty days after the time so appointed for paying the same, every such stockholder shall, in addition to the divi-

Where a canal shall cross a public road or divide the ground of an individual, corporation to build a bridge, or make a ford and keep the same in repair.

President and directors authorized to fix the sums each subscriber shall pay for every share, ascertain the dividends, the time and place when and where the same shall be paid, &c. and shall give public notice thereof.

If a stockholder shall neglect to pay such sum so fixed, then his share to be forfeited and sold.

dend so called for, pay after the rate of seven per cent. for every month's delay of such payment; and if the same, and the additional per centage, shall not be paid within one year after the same ought to have been paid, then, and in such case, the share or shares on which such payment shall be due, shall be forfeited to the use of the stockholders of the corporation of which such defaulting stockholder is a member, and may and shall be sold by the said corporation, to any person or persons willing to purchase, for such prices as can be obtained therefor.

X. *And be it further enacted by the authority aforesaid,*  
Directors, with their workmen and carriages, may enter on any lands near the canals, they making good any damage to individuals.  
 That it shall and may be lawful, to and for the president and directors of each of the said corporations respectively, and their superintendants, engineers, artists, workmen, and labourers, with carts, waggons, and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the lands contiguous or near to the tracts of the intended canals and navigation, first giving notice of their intentions to the owners thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be sustained by the owners of such ground, by appraisement, in manner herein after directed, and upon a reasonable agreement with the owners, if they can agree; or, if they cannot agree, then upon an appraisement to be made upon the oath of three; or, if they disagree, any two indifferent freeholders to be mutually chosen; or, if the owners neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to carry away any timber, stone, gravel, sand, or earth there being most conveniently situate for making or repairing the said canals and navigation; and to use the same in carrying on the said works.

XL *And be it further enacted by the authority aforesaid,*  
President and directors to appoint toll collectors and to ascertain the toll.  
 That it shall and may be lawful to and for the said president and directors of each of the said corporations, as soon as the said canals and navigation, or any part of either of them, shall be perfected, to appoint such and so many collectors of toll for the passage of boats and vessels in, through, and along the same, and in such places as they shall think proper; and that it shall and may be lawful to and for such toll collectors and their deputies to demand and receive of and from the persons having the charge of all boats and vessels and rafts of timber, boards, plank, or scantling passing through the said canals and navigation, and the locks thereto belonging, such toll and rates for every ton weight of the ascertained burthen of the said boats and vessels, and for every hundred feet cubic measure of timber, and one thousand feet board measure of boards, plank or scantling in rafts, as the said president and directors of each corporation shall think proper, at any lock or other convenient place. Provided, That the amount of all the tolls accruing to the corporation, hereby made and created by the name of "The president, directors, and company of the western inland lock navigation in the

Toll of the companies not to exceed a certain amount.

State of New-York," and arising from the use of the said navigation, wherever the same may be between the navigable waters of Hudson's river and the Seneca lake and lake Ontario, shall not exceed in the whole the sum of twenty five dollars for every ton of the burthen of such boat or vessel, and so in proportion for every hundred feet cubic measure of timber, and one thousand feet board measure of boards, plank, or scantling; and so in pro-

portion for any smaller distance and less number of locks in any interval between the said river and lake. And also provided, That the amount of all the tolls accruing to the corporation hereby made and created by the name of "The president, directors, and company of the northern inland lock navigation in the state of New-York," and arising from the use of the said navigation wherever the same may be between the navigable waters of Hudson's river and lake Champlain, shall not exceed in the whole the sum of twenty dollars for every ton of the burthen of such boat or vessel; and so in proportion for every hundred feet cubic measure of timber, and one thousand feet board measure of boards, plank, or scantling; and so in proportion for any smaller distance and less number of locks in any interval between the town of Troy, near the said river, and the said lake. Provided always, That all boats of a burthen less than a ton, and using either of the said canals, shall pay the toll for a ton. And in order to ascertain the tonnage of boats using the said canals and navigation, and to prevent disputes between the supercargoes and the collectors of tolls concerning the same:

Boats using said canals, to have their tonnage ascertained and marked on them.

XII. *And be it further enacted by the authority aforesaid,* That upon the request of the owner or supercargo of such boat or raft, or of the collector of the said tolls, at any lock upon either of the said canals and navigation, it shall and may be lawful for each of them to choose one person to measure and ascertain the number of tons which the said boat or vessel is capable of carrying, and to mark the same in figures upon the head and stern of the said boat, in colours mixed with oil, and that the said boat or vessel so measured and marked, shall always be permitted to pass through the said canal and locks for which it shall be so marked, for the price per ton, to which the number of tons so marked on her shall amount unto, agreeably to the rates fixed in the manner aforesaid, and if the owner or commander, or supercargo of such boat or vessel shall decline choosing a person, resident within four miles of the place where such toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by a person to be appointed for that purpose, by the collector of tolls at the lock where the toll is payable as aforesaid, and the said toll, shall be paid according to such measurement, before any such boat or vessel shall be permitted to pass the lock or place where such toll shall be made payable.

Any person wilfully damaging said locks or navigation, to pay the corporations four-fold damages.

XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever, shall wilfully and knowingly do any act or thing whatsoever, whereby the said navigation, or any lock, gate, engine, machine or device thereto belonging, shall be injured or damaged, he or they so offending, shall forfeit and pay to the corporation (to which the injury is done) fourfold the costs and damages by them sustained by means of such known and wilful act, together with costs of suits in that behalf expended to be recovered by action of debt in any court having jurisdiction competent to the sum due.

Toll collectors duly appointed, may stop all boats till the toll is paid, or may distrain and sell part of the cargo.

XIV. *And be it further enacted by the authority aforesaid,* That the collectors of toll, duly appointed and authorized by the president and directors of either of the said corporations, may stop and detain all boats and vessels using the canals and navigation to which they respectively belong, until the owner or commander, or supercargo of the same, shall pay the toll so as aforesaid fixed, or may distrain part of the cargo therein contained

sufficient, by the appraisement of two credible persons, to satisfy the same, which distress shall be kept by the collector of the tolls taking the same, for the space of eight days, and afterwards be sold by public vendue, at the most public place in the neighbourhood, to the highest bidder, in the same manner and form as goods distrained for rent are by law sold, rendering the surplus on demand, if any there be, after payment of the said toll, and the costs of distress and sale, to the owner or owners thereof.

*XV. And be it further enacted by the authority aforesaid,*

President and directors may take bonds from the persons employed by them for the faithful discharge of their duties.

That the president and directors of the said corporations respectively, may demand and require of and from their treasurers, and of and from all and every of the superintendants, officers and other persons by them employed, bonds in sufficient penalties and with such sureties as they shall, by their rules, orders and regulations require for the faithful discharge of the several duties and trusts to them, or any or either of them, respectively committed.

*XVI. And be it further enacted by the authority aforesaid,*

President and directors to keep a just and true account of all monies paid them by subscribers, and of all monies expended by them in costs and charges, of procuring estates, paying their officers, and purchasing materials, &c.

That the president and directors of each of the said corporations shall keep just and fair accounts of all monies received by them from the subscribers to the said undertaking, for their subscription thereto, and all penalties for delay or non-payment thereof, and of all monies by them expended in the payment of the costs and charges of procuring and purchasing all estates, rights and titles in the said corporations respectively, to be vested in pursuance of this act, or by any other means, and in paying their several officers by them to be appointed, and the wages of the different engineers, artificers, workmen and labourers, by them to be employed, and for the materials and work furnished and done in the prosecution of the works projected by the said corporations respectively, and each of them shall, once at least every year, submit such account to the general meeting of the stockholders, until the said canals and rivers therewith connected shall be rendered navigable, and until all the costs, charges and expences of effecting the same shall be fully paid and discharged, and the aggregate amount of such expences shall be liquidated, and from and after the liquidation thereof, if the one thousand shares above mentioned for each or

When if one thousand shares are found to be insufficient, the president and directors may increase them to such amount, and in such a manner as they may think proper.

either of the said corporations shall not be sufficient, it shall and may be lawful to and for the said president and directors of the said corporations respectively, at the general meeting of the stockholders, held in pursuance of the preceding provisions, or called by the president and directors for the special purpose, by public notice in two newspapers in manner aforesaid (which shall be given three months previous to the opening of the said subscriptions) to increase the number of shares to such extent as shall be deemed sufficient to accomplish the objects of this act, and to demand and receive such additional subscriptions from the former, or, in case of their neglect or refusal, from new subscribers, and upon such terms, and in such manner, as by the said general meeting, or meetings, shall be agreed upon; and the said president and directors of the said corporations respectively, shall also keep just and true accounts of all and

President and directors to keep regular accounts of all tolls received, and to publish, declare, and make half yearly dividends thereout.

every the monies received by their several and respective collectors of toll in and through the said canals and navigation, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among all the stockholders of the stock of

the said several corporations, and shall, on every the second Mondays in June and December, in every year, publish in manner aforesaid, the half yearly dividend to be made of the said clear profits to and amongst their stockholders respectively, and of the times and places when and where the same shall be paid, and shall cause the same to be paid accordingly.

At the end of ten years after the said navigation is completed, an abstract account to be laid before the legislature, in order that if the profits exceed a certain rate, the toll may be reduced, and the surplus above a certain rate be paid into the treasury.

That at the end of ten years, after the said navigations respectively shall be completed, the corporations respectively shall render an abstract of the accounts to the legislature for the three last years of the said ten; and if it shall then appear, that the clear profits and income will bear a dividend of any rate on the principal sum expended, exceeding ten, and not exceeding twenty-five per cent. each of the said companies shall continue the tolls on which such dividend has arisen, for such a term of years as to produce to them respectively, an interest at the rate of ten per centum per annum on the principal sum of their expenditures, such interest being computed on the several payments of the principal, from the time and times they were respectively made, until it shall be produced as above said, after which the tolls shall be so reduced, as to divide a clear profit, not exceeding fifteen per cent. and if such dividend shall exceed fifteen per cent. the excess shall be paid into the treasury of this state, and from and after the time and times when the said companies respectively, shall render an abstract of their accounts as aforesaid, they shall once at least, in every three years, render to the legislature an account of the tolls they may have collected, and the sums expended during the years next preceding, so that the clear profits of the companies respectively may in any year be known to the legislature.

XVIII. *And whereas*, any unnecessary delay in prosecuting the object for which the said corporations have been made and created, will be detrimental to the community: Therefore, *be it further enacted by the authority aforesaid*, That if the corporation hereby made and created by

Charter of the western company declared void if the navigation of a certain part of their intended work is not completed in five years;

the name of the president, directors and company of the western inland lock navigation, in the state of New-York, shall not, within the term of five years, to be computed from the first day of January next, complete so much of the said navigation as is between the south bounds of the town of Schenectady and the waters of Wood-Creek, in such manner as that boats drawing, when loaded, two feet of water, and of the length of forty feet, and of the breadth of twenty feet, may ascend and descend the Mohawk's river, in every part of the said river between the town of Schenectady and the waters of Wood-Creek, that then and in such case, this act, so far forth as relates to the said corporation, shall cease and become null and void, and all the rights hereby vested in the said corporation shall revert to the people of this state, any thing herein contained to the contrary notwithstanding. And if within the term of fifteen years, to be computed from the said first day of January next, the said navigation shall not be continued down the said Wood-Creek, and extended to lake Ontario and to the Seneca lake, to carry boats of the burthen above mentioned, then it shall be the duty of the attorney-general of the state for the time being, ex officio, to file an information in the supreme court of this state, against the said corporation, and if upon the traverse it shall be found, that the said corporation hath not extended the said navigation in manner aforesaid down the said Wood-Creek, and as far as to

And if the residue of the work is not completed within fifteen years, then their charter to be forfeited as far as relates to said residue.

the Seneca lake and lake Ontario, and judgment shall be given in favour of the people of this state, thenceforth the powers and rights vested in the said corporation, so far forth as relates to the extension of the said navigation from the said Wood-Creek to the said lakes, shall cease, determine, and be null and void, any thing in this act to the contrary hereof notwithstanding.

**XIX.** *And be it further enacted by the authority aforesaid,* That if the corporation by this act made and created, by the name of "The president, directors, and company of the northern inland lock navigation in the state of New-York," shall not, within the term of fifteen years, to be computed from the first day of January next, complete the said navigation from a west line from the mouth of the creek on which the mill now in the possession of John Van Rensselaer stands, in the town of Troy, to that part of the said town opposite to the north end of the house in the occupation of George Tibbets, so that vessels drawing four feet of water may pass at low water when loaded, and shall not complete the navigation of Hudson's river from the point opposite to the said house in the occupation of the said George Tibbets, to a point in Hudson's river, where a canal from Wood Creek, or any branch thereof, shall intersect the said river, to carry boats of the burthen and dimensions specified in the last preceding section of this act, and shall not in like manner complete such canal and the navigation from Hudson's river to lake Champlain, that then, and in either of these cases, this act, so far forth as relates to the said corporation last mentioned, shall cease and become null and void, and all the rights by this act vested in the said corporation shall revert to the people of this state, any thing herein contained to the contrary hereof notwithstanding. Provided always, That it shall be first found by information, traverse and judgment, in manner aforesaid, that the said navigation has not been so completed. And for the encouragement of the said corporations respectively, and to enable them to prosecute the objects for which they were respectively instituted, with the greater dispatch and efficiency :

**XX.** *Be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the treasurer of this state for the time being, and he is hereby required, whenever it shall be certified unto him by the person administering the government of this state for the time being, that it has appeared to him by satisfactory proof, that either of the said corporations hath actually expended and laid out, in the prosecution of the said inland navigation, the sum of twenty-five thousand dollars, to pay unto the president and directors of each of the corporations respectively (for the use of the stockholders thereof, as a free gift to them from the people of this state) in whose favor such certificate shall pass, the sum of twelve thousand five hundred dollars, out of any monies which may come into the treasury after the first day of October next. Provided always, That when such payment shall be made to the said corporations or either of them, they shall proceed in the objects of their institution until the said free gift shall be expended or laid out thereon, and in failure thereof, the same shall be repaid into the treasury, any thing in this act to the contrary notwithstanding.

**XXI.** *And be it further enacted by the authority aforesaid,* That as soon as the said companies shall respectively be incorporated as aforesaid, the said commissioners shall, upon demand, pay to the president and directors of each of the said corporations, the several sums by them received on taking

Charter of the corporation of the northern company declared void if their navigation is not completed within fifteen years.

Treasurer of this state to pay to each of said corporations as a free gift, the sum of 12,500 dollars, whenever the governor shall certify to him that each of them have expended 25,000 dollars in the prosecution of said inland navigation.

Such free gift to be actually expended on such navigation.

As soon as said companies are incorporated, the subscriptions on demand to be paid by the commissioners to such corporations.

the said subscriptions to the said companies respectively, and by them retained as aforesaid, for the use of the said corporations respectively, to which the same shall be subscribed, after deducting thereout such contingent charges as they shall have incurred in the execution of the trusts committed to them by this act.

C H A P. XLI.

*An ACT for the Relief of Abraham Lott.*

Passed 3d April, 1792.

**W**HEREAS a suit has been commenced in the supreme court of this state, on behalf of the people of this state, against Abraham Lott, in which suit judgment hath been obtained and execution thereupon issued : And whereas, The said Abraham Lott, has heretofore been imprisoned for a very considerable period of time, and is now reduced and become altogether unable to pay and discharge the same ; Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful for the attorney general of this state, to enter a satisfaction of the said judgment on record, upon the said Abraham Lott's paying the costs of the same suit, and paying into the treasury the poundage heretofore directed by law to be paid to Marinus Willet, Esq. for his poundage fees on the said judgment.

C H A P. XLII.

*An ACT for raising a further Sum of Money for completing the Gaol and erecting a new Court-House, in the City and County of Albany, and for other Purposes therein mentioned.*

Passed 3d April; 1792.

**W**HEREAS the commissioners appointed by the act, entitled, "An act for building a gaol and repairing the court house, in the city and county of Albany," have, by their petition, set forth, that one thousand five hundred pounds will be requisite to complete the intention of that law ; that the present court house is in an improper situation, and if power is granted for selling the same, the money thereby arising, together with such sum as would be necessary to repair it, will be sufficient to erect a new court house ; Therefore,

1. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful for the supervisors of the city and county of Albany, and full power for that purpose, is hereby granted to them, to sell and alien in fee simple, to any person or persons whomsoever, at their discretion, the lot

Authority given the commissioners to sell the court house, and to apply the money in building a new court house.

of ground, situate in the city of Albany, in the county of Albany aforesaid, whereon the court house aforesaid is erected, with the ground thereto belonging, adjoining and appertaining, together with the buildings thereon, or any part or parts of the materials of the said buildings, and to apply the monies produced by such sale, to the erecting of a new court house, at such place within the said city, as the commissioners aforesaid, and the supervisors of the said county, or a majority of them shall deem proper.

Supervisors of Albany, authorized to raise 150*l.* by tax, for completing the gaol and court house;

II. *And be it further enacted*, That the supervisors of the city and county of Albany aforesaid, for the time being, shall be, and they are hereby authorized and required to direct to be raised on the freeholders and inhabitants of the said city and county, the sum of one thousand five hundred pounds for completing the gaol in the said county, and the court house to be erected as aforesaid, with an additional sum of nine pence in the pound for collecting the same; which said sums shall be raised, levied and collected, at the same time and in like manner, as the other necessary and contingent charges of the said city and county are levied and collected.

III. *And be it further enacted*, That the one moiety of the said sum of one thousand five hundred pounds shall be collected and paid into the treasury of the said city and county, on or before the first day of November, which will be in the year of our Lord, one thousand seven hundred and ninety-two, and the other moiety, on or before the first day of November, which will be in the year of our Lord, one thousand seven hundred and ninety-three; and the treasurer of the said city and county is hereby required and directed, out of the money aforesaid, to pay to the commissioners appointed by the act above recited, or their order, the several sums of money to be by them drawn for; and it is hereby made the duty of the said commissioners for the time being, to account with the supervisors of the said city and county for the monies to be by them received and expended for the purposes aforesaid, when thereunto required.

Treasurer of Albany to retain three-pence in the pound for his trouble.

IV. *And be it further enacted*, That it shall and may be lawful for the treasurer of the said city and county of Albany, to retain in his own hands, the sum of three-pence in the pound for his trouble, in receiving and paying out the monies arising and directed to be raised by this act,

If said court house shall be sold, judges and justices to appoint a place for holding the courts, until the new court house shall be built.

V. *And be it further enacted*, That if the court house aforesaid, shall be sold as before directed, the court of common pleas and general sessions of the peace, for the same county, and the mayor's courts of the city of Albany shall, after the term next following the said sale, be adjourned to and held at such place in the city of Albany aforesaid, as the judges and justices of the same courts, or a majority of them, shall determine, until the court house to be erected as aforesaid in the said city, shall be built and fit for the reception of the said courts, when the judges and justices of the same courts respectively, or a majority of them, shall adjourn the said courts, to be held in the court house to be erected as aforesaid.

#### C H A P. XLIII.

*An ACT to explain and amend an Act, entitled, "An Act for the Partition of Lands."*

Passed 3d April, 1792.

**W**HEREAS it is enacted in and by the sixth section of the act entitled, "An act for the partition of lands, passed the sixteenth day of March, one thousand seven hundred and eighty-five, That in case of a partition of any patents or tracts of lands, on which improvements have heretofore been made by any person or persons, by consent of any owner or owners, pro-



proprietor or proprietors of such patents or tracts of land, the person or persons, to whose share or shares such parcels of improved lands shall fall, upon a partition of such patents or tracts of land, shall, before he or they are permitted to the possession of the same, pay to the respective possessor or possessors thereof, the value of the improvements made thereon. And whereas, Doubts may arise, whether such possessor or possessors have had the consent of the owner or owners, proprietor or proprietors of such land, so divided, to make such improvement; Therefore,

I. *Be it enacted by the people of the State of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That

Made for ascertaining such consent, where there is a doubt. it shall and may be lawful to and for the person or persons to whose share any such parcels of improved lands may fall, to apply to any judge of the court of common pleas of the county in which the said improved land or the major part thereof lie, which judge, on such application, is hereby authorised and required to issue a venire to the sheriff of the said county, commanding him to summon twelve men having the legal qualifications of jurors and not interested in the premises, to appear before the said judge on a certain day, and at a certain place therein mentioned, of which time and place, the said sheriff shall notify both proprietor and possessor, at which time and place the said judge shall duly swear the jury, and shall, in a summary way, enquire of the truth of such consent, and it is hereby declared to be the duty of such judge and jury, to make an inquest of such their enquiry in writing, under their hands and seals, and deliver a copy thereof to each of the parties, which shall be conclusive and final between the said parties, and legal evidence in any court of judicature.

II. And whereas it is enacted in and by the said sixth section, That the commissioners shall, at the request of the party or parties, to whom such parcel or parcels of improved lands shall appertain, issue their precept to the sheriff of the county, commanding him to summons twelve freeholders, to settle and ascertain the value of the improvements made by the consent of one or more of the said owner or owners of such patents or tracts of land so divided. And as difficulties may arise on the death or absence of one or more of the said commissioners; Therefore, *Be it further enacted by the authority aforesaid,* That

A judge of the court of common pleas of the county where the land lies, vested with all the powers of said commissioners. any judge of the court of common pleas of the county in which the major part of the said improved land lies, not interested in the premises, shall, and may, and are hereby required, to do, perform and execute all the duties and services which the said commissioners are in, and by the said sixth section of the said act, authorised, impowered and required to do, for which services the said judge shall have and receive the sum of ten shillings: And the said sheriff shall have and receive the sum of twelve shillings for his service, and the said jurors shall have and receive the sum of two shillings each, to be levied and paid as in and by the said act is directed.

III. And whereas difficulties may arise between the owner or owners, proprietor or proprietors of patents or tracts of land so divided, and the possessor or possessors of such improved lands, who are not proprietors but settled thereon by consent of some proprietor, in determining what rent or compensation such owner or owners, proprietor or proprietors shall have and recover, where there is no express agreement: For remedy whereof, *Be it enacted by the authority aforesaid,* That the owner or owners, proprietor or proprietors to whom any such improvements may be allotted, shall have and recover by an action on the case, of and from the possessor

or possessors, who are not proprietor or proprietors, a reasonable compensation for the use and occupation of the premises so held; and the said judge and jury, authorised, empowered and directed to ascertain and value the improvements as aforesaid, shall and may, and are hereby required in every such case, to ascertain and value the use and occupation of the premises, so held, used and occupied, the amount of which they shall deduct from the amount of the said valued improvements.

## C H A P. XLIV.

*An ACT to vest in the Corporation of the Episcopal Church in the Town of Yonkers, in the County of Westchester, and State of New-York, the Church and Lands therein mentioned.*

Passed 3d April, 1792.

**W**HEREAS by an act entitled, "An act further to amend an act, entitled, an act for the speedy sale of the confiscated and forfeited estates within this state, and for other purposes therein mentioned," passed the first day of May 1786, it was enacted, that it should be lawful for the commissioners of forfeitures for the southern district, to convey to the trustees of the episcopal church in the manor of Philipsburgh, the church or building situate near the mansion house, late the residence of Frederick Philips, of the said manor, together with two acres of land adjoining to the said church, and also the parsonage or glebe situate on the east side of Sawmill river, in the said manor, and then in the occupation of the widow of Luke Babcock Clerk, late deceased, containing about ninety seven acres, which was by the said Frederick Philips heretofore appropriated for a parsonage or glebe. And whereas the said commissioners have not conveyed the said church, nor the two acres of land nor the glebe to the said trustees: Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all the estate, right, title, interest, claim and demand, of the people of the state of New-York, in and to the said church and two acres of land, and in and to the said parsonage or glebe, shall be and hereby are granted to and vested in the corporation of the episcopal church in the town of Yonkers, in the county of Westchester, in the state of New-York, and their successors for ever, for the use of the said corporation.*

## C H A P. XLV.

*An ACT for building a Court-House in Richmond County.*

Passed 3d April, 1792.

**W**HEREAS the supervisors of Richmond county have by their petition requested the legislature to enable them by law to raise a sum of money, to build a court-house in the said county: Therefore,

*I. Be it enacted by the people of the state of New-York, represented in senate and assembly, That the supervisors of the several towns in the said county for the time being, or the major part of them, shall be, and they are hereby authorised and required, to direct to be raised and levied on the freeholders*

Supervisors of Richmond county authorised to raise, by tax, pool, to build a court-house in said county.

and inhabitants of the said county, a sum not exceeding five hundred pounds, for building a court-house in the said county, with the additional sum of nine pence in the pound for collecting the same, which said sums shall be raised, levied and collected, in like manner as the other necessary and contingent charges of the county are levied and collected.

When and where to meet for the purpose of directing such sum to be raised.

II. *And be it further enacted*, That the supervisors of Richmond county, or the major part of them, shall meet at the dwelling-house of Daniel Turner, in Richmond town, in the same county, on the third Tuesday of April next, for the purpose of directing such sum as they shall order to be raised for the purpose aforesaid, together with the poundage for collecting the same, to be raised and levied; and it is hereby made the duty of the clerk of the supervisors of the said county, to notify the said supervisors of such meeting.

Said sum how to be raised, collected and paid.

III. *And be it further enacted*, That the sum so to be raised, shall be collected and paid into the treasury of the said county, in manner following, that is to say, two third parts thereof on or before the first day of July next, and the remaining third part thereof on or before the first day of November next.

Supervisors and judges to appoint commissioners for building the same, fix the place, and agree upon the plan.

IV. *And be it further enacted*, That the supervisors, and the judges of the court of common pleas in the said county, shall, on the said third Tuesday of April next, assemble together and appoint three commissioners to superintend the building of the court house aforesaid, which said court house shall be erected on the lot of land in Richmond town, whereon the former court house was erected, or on such other piece of ground as the said supervisors and judges, or the major part of them, shall agree upon in the said town, and upon such plan as the said commissioners, or a majority of them, so to be appointed, shall think most consistent with economy and the interest of the said county: And that the said commissioners, or a majority of them so to be appointed, shall and may contract with workmen, and purchase materials for erecting the aforesaid court house, and shall, from time to time, draw upon the treasurer of the said county, for such sums of money, for the purposes aforesaid, as shall come into the treasury, by virtue of this act.

And the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money to be by them drawn for; and it is hereby made the duty of such commissioners so to be appointed, to account with the supervisors of the said county, for the monies which they shall have so received from the treasury, when thereunto required.

Courts, where to be held until such court house is built.

V. *And be it further enacted*, That the court of common pleas, and the court of general sessions of the peace for the same county, shall be held at the house of Daniel Turner, in Richmond town, or at such other place in the said town, as the judges and justices of the same court, or a majority of them shall determine, until the court house aforesaid shall be built, and fit for the reception of the said courts.

County treasurer's allowance for collecting.

VI. *And be it further enacted*, That it shall and may be lawful for the treasurer of the said county to retain in his hands, the sum of three pence in the pound for his trouble, in receiving and paying out the monies directed to be raised by this act.

## C H A P. XLVI.

*An ACT to enable the Corporation therein mentioned, to assume the Name of the Rector and Inhabitants of Poughkeepsie, in Communion of the Protestant Episcopal Church in the State of New-York.*

Passed 5th April, 1792.

**W**HEREAS the corporation of the rector and inhabitants of Poughkeepsie, in Dutchess county, in communion of the church of England as by law established, were by letters patent under the great seal of the late colony of New-York, bearing date the ninth day of March, one thousand seven hundred and seventy three, enabled to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, and to exercise all and singular the other rights and powers in and by the said letters patent to them granted, by the name and stile of "The rector and inhabitants of Poughkeepsie, in Dutchess county, in communion of the church of England as by law established:" And whereas the said corporation, by their humble petition to the legislature of this state, have prayed, that they may be enabled to assume and use the name of the rector and inhabitants of Poughkeepsie, in communion of the protestant episcopal church in the state of New-York: Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the said corporation shall and may, from and immediately after the passing of this act, assume and use the name and stile of "The rector and inhabitants of Poughkeepsie, in communion of the Protestant episcopal church in the state of New-York;" and by the same name be capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, and to exercise all and singular the other rights and powers in and by the said letters patent granted as aforesaid to the said corporation, by the name and stile of "The rector and inhabitants of Poughkeepsie, in Dutchess county, in communion of the church of England, as by law established," any thing in the said letters patent to the contrary thereof in any wise notwithstanding.

## C H A P. XLVII.

*An ACT relative to unclaimed Certificates now in the Treasury of this State.*

Passed 5th April, 1792.

**W**HEREAS certificates for pay due the levies and militia who served in the late war, still remain unclaimed by persons entitled thereto: And whereas it hath been represented to the legislature, that great frauds have been practised in procuring orders on the treasurer of this state for the delivery of such certificates: Therefore,

*I. Be it enacted by the people of the state of New-York, represented in senate and Assembly,* That it shall and may be lawful for the treasurer of this state to deliver certificates due to any person for military services, upon the order of such person duly acknowledged before any one of the judges of the supreme court, or in the court of common pleas in the respective counties of the state, or before one of the justices of the peace of this state: Provided, Such order shall be presented to the treasurer of this state on or before the first day of May next. Provided also, That it shall appear to the satisfaction of the said treasurer, that such order was executed previous to the passing of this act; and the person applying with the said certificate shall give bond to the said treasurer for the use of the people of this state, with sufficient security

under such penalty as the said treasurer may deem proper, conditioned, That the applicant shall re-deliver the certificate, or the equivalent value thereof in money, to the said treasurer, if it shall at any time thereafter appear, that the person to whom such certificate was delivered, was not legally entitled to receive the same.

II. *And be it further enacted*, That from and after the passing of this act, the treasurer of this state shall not deliver any certificate or certificates for military services, other than as aforesaid, except to the person or persons who have performed such services as aforesaid, or to his or their order, to be acknowledged before one of the judges of the supreme court of judicature of this state, or of the court of common pleas of the county where such person shall reside, to be accompanied with a certificate from such judge, certifying, that the person acknowledging the same, produced satisfactory evidence to the said judge, of his being the person legally entitled to the said certificate,

C H A P. XLIX.

*An ACT authorizing the Mayor, Aldermen and Commonalty of the City of New-York, to fill in, and raise the Tract of Land in the said City, called the Meadows, and for continuing Roosevelt and Frankfort Streets.*

Passed 6th April, 1792.

WHEREAS Benjamin Hildreth, John De Peyster, John Franklin, Samuel Franklin, Comfort Sands and Samuel Osgood, and others, in and by their certain petition to the legislature, setting forth, that in the city of New-York, in that part commonly called and known by the name of the Meadows, in the fifth ward of the said city, there are many vacant lots of land, which, through the inattention of their owners, have become deep sunk holes, the receptacles of water in the rainy seasons, and the source of many unwholesome and noxious stenches; and that the petitioners are informed, that the powers of the corporation of the said city are not competent so far as to grant any relief in the premises; and have therefore humbly prayed the legislature, that an act may be passed to compel the owners of said lots to fill them up, and so remove the said nuisance; or that such other measures may be taken, as to the legislature shall seem expedient: Wherefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall and may be lawful to and for the mayor, aldermen and commonalty of the said city, in common council convened, by an ordinance or ordinances, bye law or bye laws, for that purpose to be made and ordained, and in such manner as they shall deem to be most conducive to the health, convenience and safety of the citizens of the said city, and the interest and advantage of the proprietors of the respective houses and lots of ground to be affected thereby, to order the filling in with earth, and raising the lots of ground and streets in all the aforesaid tract of land called the Meadows, situate in the fifth ward of the said city, and bounded northerly by Chatham-street, southerly by the rear of the lots on the northerly side of Cherry-street, westerly by the rear of the lots on the easterly side of Queen-street, and easterly by Catharine-street, to such height as to convey into the east-river, all the water which shall from time to time fall on the said tract of land, or run thereon from the adjoining lots and streets; and that the expense of conforming to such regulation, shall be borne and paid by the owners of the respective lots of ground to be affected thereby, in the manner herein after mentioned.

II. *And be it further enacted*, That Richard Furman, Frederick Rhineland, George Stanton, Joseph Stringham, and John Stagg, shall be and

hereby are appointed commissioners to make an estimate of the whole expences of conforming to such regulations as aforesaid, and to make a just and equitable assessment thereof, among the owners of all the houses and lots of ground intended to be benefited thereby, in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire respectively, making such allowance to such of the owners or proprietors of any of the said houses and lots of ground, as shall have filled in or raised their respective lots of ground, or the streets in front thereof, as they the said commissioners shall deem just and equitable. And the said commissioners shall, before they enter upon the execution of their trust, be duly sworn before the mayor or recorder of the said city, to make the said estimate or assessment, fairly and impartially according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment, under the hands and seals of the said commissioners, or any three or more of them,

being returned to the common council of the said city, and ratified by them, shall be binding and conclusive upon the owners of such houses and lots of ground so to be assessed respectively, and the sum or sums of money at which each such house and lot of ground shall be so assessed, shall become and be a charge upon such respective house

and lot of ground, into whose soever hands and possession the same shall at any time thereafter come or descend. And the owners of such houses and lots of ground respectively, at the time of such assessment, shall thereupon become and be liable and chargeable, and they are hereby required, upon demand, to pay to such person or persons as shall be authorized by the common council of the said city, to receive the same, the sum at which each such house or lot of ground shall be so assessed, to be employed and applied for and towards filling and raising such respective lot of ground, and the street opposite thereto; and in default of payment thereof, or any part thereof, it shall and may be lawful to and for the mayor, recorder, and aldermen of the said city, or any five of them, of whom the mayor or recorder always to be one, by warrant under their hands

and seals, to cause the said sum and sums of money, so assessed, to be levied by distress and sale of the goods and chattels of the owner of such house or lot of ground so assessed, and refusing or neglecting to pay the same, rendering the overplus money, if any there be after deducting the sum assessed, and the charges of distress and sale, to such owner or owners respectively, or their legal representatives.

And in case no sufficient goods or chattels of the owner of any such house or lot of ground can be found within the city and county of New-York, whereof the sum or sums of money so assessed thereon can be made and levied, or in case the owner of such house or lot of ground, so assessed, is unknown, or shall reside out of the said city of New-York, the said common council shall take order for advertising such lot of ground and the buildings thereon, if any there be, in two or more public newspapers printed in the said city, for thirteen weeks, at least twice in every week, in and by such advertisement, describing the same lot of ground, and requiring the owner or owners thereof respectively to pay the sum or sums of money

Commissioners to make an estimate of the expence that will attend such filling up of said meadows, and to assess the same among the proprietors.

Which estimate and assessment, when confirmed by the corporation, shall be binding on the owners of lots and houses, and the sums assessed be a charge on such lots.

In default of payment of such assessments, the same to be levied by distress and sale.

What is to be done where no sufficient goods and chattels of the owner can be found, or where the owner is unknown.

at which such lot of ground shall be so assessed, to the treasurer or chamberlain of the said city, to defray the expence of the intended work; and that if default shall be made in such payment, such lot will be sold at public auction, at a day and place therein to be specified, in fee simple, to the highest bidder, to defray the expence aforesaid. And if, notwithstanding such notice, the owner or owners of any such lot of ground shall refuse or neglect to pay such assessment, with the charge of such advertisement, then it shall be lawful to and for the said common council to cause the said lot of ground, together with the buildings thereon, if any there be, to be sold at public auction in fee simple, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his heirs or assigns shall, by virtue thereof, and of this act, hold and enjoy the same, for his and their own proper use, against all former owner or owners thereof, and all claiming under him or them; any law, usage, or custom to the contrary thereof notwithstanding. Provided always, That if after defraying the actual expence of conforming any lot of ground so to be sold, and the street in front thereof, to the regulations aforesaid, and deducting all reasonable charges attending the same, a surplus of the purchase money bidden or given therefor at such auction, shall remain in the hands of the chamberlain or treasurer of the said city, the same shall, on demand, be rendered to the owner or owners of such lot of ground respectively, or his, her or their legal representatives.

*III. And be it further enacted,* That if upon the completion of such regulation, it shall appear to the common council, that a greater sum of money hath been bona fide expended in making such regulation, than the sum mentioned in the estimate so made as aforesaid, and actually collected, it shall and may be lawful to and for the said common council to cause a further assessment to be made by

the commissioners above named, or any three or more of them, of the sum which such bona fide expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners of all the houses and lots of ground before assessed as aforesaid, and to cause the same to be collected in the same manner, as herein before directed. And further, That in case

the sum actually expended shall be less than the sum expressed in such estimate, and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective persons from whom the same was so collected and received as aforesaid, or his, her or their legal representative.

*IV. And be it further enacted,* That it shall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, in common council convened, to lay out and continue Roosevelt-street, which now runs through part of the tract of land aforesaid, from Chatham-street to Cherry-street on a straight line to the East-River, through the lots of ground on the southerly side of Cherry-street aforesaid, and of such breadth as the common council shall think proper, not exceeding the present breadth thereof, on the northerly side of Cherry-street aforesaid. Provided always, That before the laying out and continuing the said street to the East-River as aforesaid, the said mayor, aldermen and commonalty, shall, for that purpose, first

*Be it enacted by the people of the State of New-York, represented in senate and assembly,* That the said Henry Livingston, shall be, and he is hereby constituted and appointed a trustee, in the place of the said Alida Gardner, and in behalf of the said William Gardner, for the special purpose of uniting with the said Mary Duane and Catherine Patterson, in carrying into full effect the trust reposed by the will of the said Robert Livingston, in them the said Mary, Catherine and Alida, respecting such partition and division of the estate, whereof the testator died seized, in the said tract or patent of Saraghtoga, in the proportions and manner, and for the uses and purposes, and according to the true intent and meaning expressed and declared by the said testator, in his said last will and testament concerning the same. And that it shall be lawful for the said Henry Livingston, and he is hereby authorized and empowered in his own name, as trustee, under this act, to join with the said Mary Duane and Catherine Patterson, or with them and their respective husbands, as the case may require, in all acts and proceedings; and all deeds, agreements, and other instruments in writing which may be proper and necessary, for rendering such partition and division final and conclusive, according to the intention of the testator; and every thing to be done and executed by the said Henry Livingston, touching such partition, in pursuance of this act, and according to the true intent and meaning of the testator, shall be as good and available in the law to all intents and purposes, as if the said Alida Gardner, in her life time, with or without her husband, had been herself a party thereunto, and actually performed the same. Provided always, That to give effect to such partition, every proceeding therein shall be approved of in writing, by two or more of the justices of the supreme court of judicature of this state; and that the said balloting shall be performed in their presence, and under their direction; and that the truth of the surveys, field work and maps of the surveyor and surveyors entrusted to make the sub-division and allotments for the purpose of the said partition, shall be proved by his or their oath to be administered by the said justices or one of them.

## C H A P.    L L

### *An ACT concerning Conveyances by Married Women.*

Passed 6th April, 1793.

**I.** *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That in all cases when any married women not residing in this state shall join with her husband in the sale of any messuages, lands, tenements, or hereditaments situated in this state, and shall join in and execute, seal and deliver the conveyance of such messuages, lands, tenements, or hereditaments, every such woman shall be thereby barred of and from all right and claim of dower in the messuages, lands, tenements, and hereditaments so conveyed.

**II.** *And be it further enacted by the authority aforesaid,* That all acknowledgments and proofs of deeds and conveyances of any lands, tenements, or hereditaments situated in this state, taken or made before any judge of the supreme court of the United States, shall be of the like validity and force as if the same was taken or made before a judge of the supreme court of this state.



C H A P. LI.

*An ACT for raising Money for building a Court-House and Gaol in Washington County.*

Passed 6th April, 1792.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly,* That the supervisors of the several towns in the county of Washington for the time being shall, and they are hereby authorized to direct to be raised and levied on the freeholders and inhabitants of the said county, a sum not exceeding nine hundred pounds, for building a court-house and gaol in the said county, with the additional sum of one shilling in the pound for collecting the same; which sum shall be raised, levied, and collected in like manner as the other contingent and necessary charges of the said county are levied and collected.

*II. And be it further enacted,* That the one half of the said sum of nine hundred pounds shall be collected and paid into the treasury of the said county, on or before the first Tuesday in November next, and the other half part thereof on or before the first Tuesday in November next following.

*III. And be it further enacted,* That the supervisors of the said county of Washington, at their meeting on the last Tuesday in May next, shall determine on the quota which each respective town in the said county shall pay of the said sum so to be raised by virtue of this act, and then and there, together with the judges of the court of common pleas, by a majority, shall appoint three persons as commissioners, for the purpose of superintending the building of the said court house and gaol.

*IV. And be it further enacted,* That the monies so to be raised by virtue of this act, shall be paid by the respective collectors of the several towns, into the treasury of the said county.

*V. And be it further enacted,* That the said commissioners, or a major part of them so to be appointed, shall and may contract with workmen, and purchase materials for erecting the said court house and gaol, and shall, from time to time, draw upon the treasurer of the said county, for such sums of money for the purposes aforesaid, as shall come into the treasury by virtue of this act; and the treasurer is hereby required out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money to be by them drawn for, and it is hereby made the duty of such commissioners so to be appointed, to account with the supervisors of the said county, for the monies which they shall have so received from the treasurer, when thereunto required.

*VI. And be it further enacted,* That the court house and gaol, to be built in pursuance of this act, shall be erected and built at such place, as the supervisors of the said county, or a majority of them, shall determine.

## C H A P. LIII.

*An ACT to enable the Commissioners of the Land Office, to direct Letters Patent to be granted to certain Persons, for the Quantities of Land therein mentioned.*

Passed 9th April, 1792.

**W**HEREAS it is represented to the legislature, that sundry persons, officers and privates of the regiments raised within this state, upon bounties of unappropriated lands, have through some mistake omitted to make their locations within the time limited by law : Therefore,

*I. Be it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful for the commissioners of the land office, in case it shall appear to them upon examination, that any person or persons applying for bounty lands, was entitled to the same as aforesaid, to direct letters patent to be granted to him or them for the quantity of unappropriated land, which they were severally entitled to as bounty land, in virtue of any law of this state, for raising troops on bounties of unappropriated lands, any law to the contrary thereof in any wise notwithstanding. Provided always, That such application be made in writing, and delivered to the said commissioners, on or before the first day of October next.

*II. And be it further enacted,* That the commissioners of the land office be, and are hereby required, to grant letters patent to Ezekiel Scott, for two thousand acres of unappropriated lands of this state.

*III. And whereas,* James Shepard, a soldier in colonel Marinus Willet's regiment of levies, in the service of this state, in the late war, did assign his right of, in and to, the bounty land granted by this state to such levies, unto Matthew Watson, after which the said James Shepard deserted from the said service, and the said Matthew Watson procured at his own expence, John Dunlap as a substitute, to serve in the room of the said James Shepard, which substitute did serve out his full term, and was legally discharged : Therefore, *Be it further enacted,* That it shall and may be lawful for the commissioners of the land office, to grant unto the said Matthew Watson, such a quantity of unappropriated land as a private soldier in the said levies was entitled to by law.

*IV. And whereas,* It is represented to the legislature, that Wheeler Douglass, purchased of Thomas Havens, Cobus Tobacco, John Hambleton, Isaac Nimham, George Clow, and George Rogers, soldiers in colonel Marinus Willet's regiment of levies, their several rights of, in and unto five hundred acres of bounty land, and that the said soldiers afterwards deserted from the service, and that the said Wheeler Douglass did, at his own expence, procure and deliver John Taylor, Jesse Gardner, Matthew Bell, Peter Birret, Arthur Brayton, and William Palmetier, as substitutes in the room and stead of the said soldiers who had deserted, which substitutes did serve in the said levies, until they were duly discharged : Therefore, *Be it further enacted,* That the commissioners of the land office are hereby authorized and required to issue letters patent to the said Wheeler Douglass, for such quantity of unappropriated land of this state, as the said soldiers, privates in the said levies, were entitled to by law.

Provided, That letters patent have not been issued to the said substitutes or any of them. And provided further, That the said Wheeler Douglass shall prove to the satisfaction of the said commissioners, that he has actually purchased from the persons above named, the right of bounty lands, to which they were severally entitled for their services as aforesaid.

V. *And be it further enacted*, That it shall and may be lawful to and for the commissioners of the land office, and they are hereby directed to cause to be granted to the physicians and surgeons of the late general hospital of the United States, who were in the service of the United States, on or after the sixteenth day of September, one thousand seven hundred and seventy six, and who continued therein until they were discharged or dismissed, and who at the time of entering the service were citizens of this state, the like proportion of unappropriated lands, according to their respective grades as have been granted by this state to the officers of the line of this state, serving in the line of the United States.

VI. *And be it further enacted*, That it shall and may be lawful to and for the commissioners of the land office, and they are hereby directed to cause to be granted to Edward Lounsberry, the like proportion of unappropriated land, as has been granted to a captain of the line of this state, serving in the army of the United States.

And to Edward Lounsberry, the proportion of land to which a captain is entitled.

#### C H A P. LIV.

*An ACT to enable certain Persons therein named, to purchase and hold real Estates within this State.*

Passed 9th April, 1792.

I. *BE it enacted by the people of the state of New-York, represented in senate and assembly*, That it shall and may be lawful for John Cornelius Van den Heuvel, Justina Henrietta Frederica his wife, Isaac Gysbert Hermen Van den Heuvel, Charlotte Geertruyda Van den Heuvel, Jacob Adriane Van den Heuvel, Margaretta Catharina Eleonora Van den Heuvel, and Justine Jeane Henrietta Van Den Heuvel, their children, Alexander Ellice, William McCarty, Jan Boers, Rogier Gerard Van Polanen, John Lincklaen, Gerrit Boon, Claude Ambroise Dugail, Henry Marin Augustus Dubosq, Thomas H. Brantingham, Walter Dowdall Barnaby Coffie, James Corlith, John Vaght, John Thomson, John Althouse, John Joseph da Silva, Henry Bethune Stark, John Maunsel, Joseph Whelan, Thomas Mounsey, Mary Duffy, Joze Roiz Silva, James Phyn, Thomas Brown of Belfast, and Anthony Latour, to take and hold by purchase or descent, lands, tenements, and hereditaments within this state, to have and to hold the same to them, and to their respective heirs and assigns forever, as fully, to all intents and purposes, as any natural born citizen may or can do, any law, usage or custom, to the contrary notwithstanding.

II. *And be it further enacted*, That no lands, tenements, or hereditaments in this state, heretofore purchased by any of the persons herein before named, shall escheat to the people of this state by reason or on account of such persons then being alien; but all such lands, tenements and hereditaments, shall vest in such purchaser in the same manner as if such purchaser had been naturalized at the time of such purchase, any law to the contrary notwithstanding.

## C H A P. LV.

*An ACT for building a Court House and Gaol in the County of Ontario.*

Passed 9th April, 1792.

**I. BE it enacted by the people of the state of New-York, represented in senate and assembly,** That the supervisors of the several towns in the county

Supervisors of Ontario county to direct 6 mil. to be raised for building a courthouse and gaol.

of Ontario, for the time being, or a majority of them, shall be, and they are hereby authorized to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of six hundred pounds, for building a court house and gaol in the said county, with the additional sum of one shilling in the pound for collecting the same; which said sums shall be raised at such times, levied and collected in the same manner as the other necessary and contingent charges of the county are levied and collected.

Supervisors and judges to appoint three commissioners to build the same in the town of Canadaqua.

Said commissioners to contract with workmen, purchase materials, and draw on the treasurer of the county for money.

**II And be it further enacted,** That it shall be lawful for the supervisors and judges of the court of common pleas in the said county, or a majority of them, to appoint three commissioners to superintend the building the court-house and gaol aforesaid, which said court-house and gaol shall be erected in the town of Canadaqua, on such plan as the said commissioners, or a major part of them, so to be appointed, shall judge best: And the said commissioners, or a major part of them, may contract with workmen, and purchase materials for erecting the said court-house and gaol, and shall from time to time draw upon the treasurer of the said county, for such sums of money for the purposes aforesaid as shall come into the treasury by virtue of this act: And the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money to be by them drawn for. And it is hereby made the duty of such commissioners so to be appointed, to account with the supervisors of the said county for the monies which they shall have received from the treasury when thereunto required.

Treasurer to retain three pence in the pound for receiving the money.

**III. And be it further enacted,** That it shall and may be lawful for the treasurer of the said county to retain in his hands the sum of three pence in the pound for his trouble in receiving and paying out the monies directed to be raised by this act.

Seventh section of an act for erecting Ontario into a separate county repealed.

**IV. And be it further enacted,** That the seventh section of the act entitled, "An act to erect part of the county of Montgomery into a separate county, by the name of Ontario," be and hereby is repealed, so far as respects the justices of the supreme court holding circuit courts in the county of Ontario.

## C H A P. LVIII.

*An ACT concerning the Arrears of Taxes and the Payment of Audited Accounts, and for other Purposes.*

Passed 9th April, 1792.

**I. BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,**

No interest to be allowed on certain certificates to be paid for moneys, after a certain day.

That no interest which shall have arisen after the eighth day of March, in the year one thousand seven hundred and ninety-one, shall be computed or allowed on any certificate, given for the debts due from persons whose estates have

been forfeited or confiscated; which may be paid on account of any tax, or on account of the arrears of any tax or taxes whatsoever.

II. *And be it further enacted by the authority aforesaid,* That the fifth section of the act, entitled, "An act authorizing the auditor to audit certain accounts and claims, and for other purposes therein mentioned," shall be, and hereby is repealed. And the treasurer is hereby directed to pay all such audited accounts, as shall be presented to him for payment, out of any monies in the treasury not otherwise appropriated, instead of giving certificates for the amount thereof.

III. And whereas, The treasurer of this state, in pursuance of an act of the legislature, entitled, "An act for the relief of the creditors of this state," hath subscribed to the loan proposed by the congress of the United States, by their act, entitled, "An act making provision for the debt of the United States," all the continental paper then in the treasury of this state, and received certificates for the amount thereof, according to the said act of congress, which certificates, except such as the said treasurer has exchanged according to the directions of the said act, entitled, "An act for the relief of the creditors of this state," as well as the certificates for stock transferred to the said treasurer for the use of this state, by the creditors of this state, upon the said exchanges, now remain in the treasury of this state; Therefore, *Be it further enacted by the authority aforesaid,* That it shall be lawful for the said

The treasurer in pursuance of a certain act hath subscribed to the loan proposed by congress, and hath received certificates therefor.

treasurer, and he is hereby directed to deposit all the said certificates now in the treasury, except such as it may be necessary for him to keep to exchange according to the direction of the said act, entitled, "An act for the relief of the creditors of this state," and all such other certificates for stock belonging to this state, as he may, from time to time, receive in the bank of New-York, with a power of attorney from him to the president, directors and company of the bank of New-York, to receive the interest thereon as the same may become due, for the use of this state, and to pay the said interest to the said treasurer on demand, and the said treasurer shall take receipts for all such certificates so to be deposited in the bank, expressing that the same certificates are the property of this state, and are deposited in the bank for the use of this state; and that the president, directors and company of the bank of New-York, will, from time to time, receive the interest thereon as the same shall become due, and pay the same to the treasurer of this state, for the use of this state, without any charge whatever to this state, or to the said treasurer,

## C H A P. LIX.

*An ACT for dividing the several Towns therein mentioned.*

Passed 10th April, 1793.

1 **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That all that part of the town of Cherry Valley, lying east of the line to be drawn, beginning at the south west corner of a tract of land formerly granted to John Lyne, and running from thence in a direct course to the house where Joshua Tucker now resides; from thence in a direct course to the easternmost line of the second allotment of a tract of land known by the name of Belvidere patent, from thence to a certain hill, known by the name

A certain part of the town of Cherry Valley erected into a town by the name of Dorlach.

of Grovers hill, then south to the town of Harpersfield; thence along the north bounds of Harpersfield, and the north boundaries of the counties of Albany and Montgomery, to the place of beginning, shall be, and is hereby erected into a town by the name of Dorlach, and that the first town meeting shall be held at the house of William Beekman, Esquire, in the said town.

II. *And be it further enacted,* That all that part of the town of Harpersfield, lying south of a line to be drawn, beginning at the south easterly bank of the river Susquehannah, from thence running a south easterly course to the north west corner of a tract of land formerly granted to Henry White and others, thence running on the north east line of White's-Borough, until it comes to the Cachquago branch of the river Delaware, thence down the said river to the line of property, thence along the said line of property until it comes to the river Susquehannah, opposite to the river Unadilla, thence up the said river Susquehannah, to the place of beginning, shall be, and hereby is erected into a town by the name of Franklin, and that the first town meeting shall be held at the house of Suman Wattles, Esquire, in the said town.

III. *And be it further enacted,* That all that part of the town of Otsego, contained in the following bounds, to wit, beginning at the Susquehannah river, where the patent granted to John Christopher Hartwick begins, and runs from thence along the south bounds thereof, and the south bounds of a tract of land granted to George Croghan, and the same continued to the Unadilla river, thence down the same, and up the Susquehannah to the place of beginning, is hereby erected into a separate town by the name of Unadilla, and the first town meeting in the said town shall be held at the house now occupied by Eastwood Allen, in the said town.

IV. *And be it further enacted,* That all that part of the town of Otsego, contained in the following bounds, to wit, beginning at the south east corner of John Christopher Hartwick's patent, thence along the west bounds thereof, and the same line continued until it strikes lake Canaderaga, thence up the lake to the county of Herkemer, thence east by the county of Herkemer to the town of Cherry Valley, thence southwardly by the town of Cherry Valley, to the town of Unadilla, thence by the town now called Otsego to the place of beginning, is hereby erected into a separate town by the name of Otsego, and that the first town meeting, in the said town, shall be held at the court house of the county.

V. *And be it further enacted,* That all that part of the town of Otsego, contained in the following bounds, beginning at the south east corner of John Christopher Hartwick's patent, and runs thence westwardly by the town of Unadilla, to the Unadilla river, thence up the river to the farm of Captain Edmiston, thence by the south boundaries of Schuyler patent, and the same continued to the west line of Otsego, thence southerly by the same to the place of beginning, is hereby erected into a separate town, by the name of Burlington, and that the first town meeting in the said town shall be held at the house of John Johnston.

VI. *And be it further enacted,* That the remainder of the town of Otsego, is hereby erected into a separate town by the name of Richfield, and that the first town meeting of the said town be held at the house now occupied by John Van Cliff.

A certain part of the town of Harpersfield, erected into a town by the name of Franklin.

A certain part of the town of Otsego, erected into a town by the name of Unadilla.

A certain other part of the town of Otsego, to be erected into a town by the name of Otsego.

A certain other part of the town of Otsego, erected into a town by the name of Burlington.

And the remainder of Otsego erected into a town by the name of Richfield.

A certain part of White's Town in Herkemer county, erected into a town by the name of Steuben.

VII. *And be it further enacted,* That all that part of White's Town in Herkemer county, bounded as follows, to wit, beginning at the mouth of the Nine Mile creek, and running thence north easterly, to the north east corner of Holland's patent, thence northerly along the east bounds of a tract of land granted to Baron de Steuben, to the north east corner thereof, thence a due north course to the north bounds of this state; and from the said place of beginning at the mouth of the said creek, due west to the line of the Oneida reservation, thence north westerly along the same to Fish creek, thence due north to the north bounds of this state, is hereby erected into a separate town, by the name of Steuben, and that the first town meeting in the said town shall be held at the house of Seth Ranney, near Fort Stanwix.

A certain other part of White's Town, erected into a town by the name of Westmoreland.

VIII. *And be it further enacted,* That all that part of White's Town contained within the following bounds, viz. beginning at the said line of the Oneida reservation, where the line of the last mentioned town crosses the same, running thence southerly and westerly along the said reservation line, until it comes opposite to the south westerly corner of a tract of land granted to Abraham Wemple, thence along the southerly line of the said last mentioned tract to the old line of property, thence northerly at right angles with the said line of property, until it meets the Oriskany creek, thence down the said creek to the south bounds of the Oriskany patent, thence north westerly parallel to the old line of property, to Steuben town, be erected into a separate town, by the name of Westmoreland, and that the first town meeting in Westmoreland be held at the house of James Deane in the said town.

A certain other part of White's Town, erected into a town by the name of Paris.

IX. *And be it further enacted,* That all that part of White's Town contained within the following bounds, viz. beginning at a bridge called Stillman's bridge, on the Oriskany creek, thence running south easterly to the dwelling-house of Joseph Fairwell, being on lot number eighty in the seventh division of Cox's patent, not including the said house; thence southerly in a direct line until it meets the road called the New Hartford road, where the said road crosses a creek a few rods westerly from the dwelling-house of Samuel Wells, thence southerly on a direct line to the south west corner of lot number seven in the eleventh division of Cox's patent aforesaid, thence a due east course to the line of German Flatts town, thence south along the same to the line of Tioga county, thence west by the line of Tioga county, to the west line of the twenty townships lately sold by the state, thence north to the line of the Oneida reservation, thence along the said last mentioned line, to the town of Westmoreland aforesaid, thence north easterly along the line of the last mentioned town to the place of beginning, be erected into a separate town by the name of Paris; and that the first town meeting in Paris town shall be held at the dwelling-house of Moses Foote, Esquire.

A certain other part of White's Town, erected into a town by the name of Mexico.

X. *And be it further enacted,* That all that part of White's Town aforesaid, bounded east by the east bounds of the Military Tract (so called) and a line drawn north from the mouth of Connisserago creek, across the Oneida lake to lake Ontario, south by Tioga county, west by the west bounds of the townships Homer, Tully, Marcellus, Camillus, Lyfander, and Hannibal, of the said Military Tract, and north by lake Ontario, be erected into a separate

town, by the name of Mexico, and that the first town meeting in the said town of Mexico shall be held at the house of Benjamin Moorehouse. And

A certain other part of White's-Town, erected into a town by the name of Peru. that all that part of White's-Town aforesaid, bounded east by the town of Mexico, south by Tioga county, west by Ontario county, and north by lake Ontario, be erected into a separate town, by the name of Peru, and that the first town-meeting in the said town of Peru shall be held at the dwelling-house of Seth Phelps, Esquire. That all the remaining part of the said town of White's-Town be and remain a town by the name of White's-Town, and that the first town-meeting in the said town be held at the dwelling-house of Jedediah Sanger, Esquire.

**XI. And be it further enacted,** That all that part of Herkemer town, bounded as follows, to wit : beginning on the middle line in Glen's purchase, on the division line of Montgomery and Herkemer counties, running thence westerly along the said middle line of Glen's purchase to the south west corner of lot number seven, thence northwardly to the north east corner of lot number five in the said purchase, from thence westerly along the line between lot number five and lot number six, in a direct course to the West Canada creek, thence up the said creek, to the first great falls thereof, thence on a direct line to the south-east corner of a tract of land granted to Baron de Steuben, thence northerly along the east bounds of the said tract of land to the north-east corner thereof, and thence northerly to the north bounds of this state, thence along the said north bounds of the state, to the north-west corner of the county of Clinton, thence along the north-westerly lines of the counties of Clinton, Washington, and Montgomery to the place of beginning, shall be formed into a separate town, and known by the name of Norway; and that the first town-meeting shall be held at the house of William Whipple, in the said town. And that all that part of the said town

A certain other part of Herkemer town erected into a town by the name of Schuyler. of Herkemer, beginning on the little falls in the West Canada creek, and running thence southerly on a direct line to the north-east corner of a tract of land called Coffe's patent, thence along the eastern line of the said last mentioned tract of land, to the river Mohawk, thence up the said river to the Nine Mile creek, thence north-easterly with a direct line to the north-east corner of a tract of land granted to the Baron de Steuben, thence on a direct line to the great falls in the West Canada creek, thence down the said creek to the place of beginning, shall be formed into a separate town, by the name of Schuyler; and the first town meeting shall be held at the house of George Weber, junior, in the said town. And all the remainder of the said town of Herkemer shall be and remain a town by the name of Herkemer, and the first town-meeting in Herkemer town shall be held at the house of Joseph Myers, in the said town.

**XII. And be it further enacted,** That the town of Chemung, in Tioga county, shall be and is hereby erected into two separate towns, in the following manner, viz. all that part of the town of Chemung lying east of the pre-emption line, and west of a line drawn north and south from the middle of the bridge that crosses Balding's mill creek, to the north and south lines of Tioga county, shall be one separate town by the name of Newtown, and that the first town-meeting shall be held at the house of Dunn and Hornel, in the said town.



XIII. *And be it further enacted*, That all the remaining part of the town of Chemung, lying east of Newtown, and west of the town of Owego, shall be one separate town, by the name of Chemung, and that the first town-meeting in Chemung shall be held at the house of William Wynkoop.

XIV. *And be it further enacted*, That all that part of the town of Queensbury, in the county of Washington, beginning at the south-west corner of the lands granted by the ancient letters patent of the said town, and running thence north along the west line of the lands granted by the said letters patent, and continuing a north line until it intersects a west line from Fort George at the south end of Lake George, thence west on the last mentioned line to the river Hudson, then down along the same to the place of beginning, shall be and hereby is erected into a distinct and separate town, by the name of Fairfield; and that the first town-meeting in Fairfield shall be held at the dwelling-house of Silas Dibble. And that all that part of Queens-

bury, beginning at a creek called M'Auly's creek, near the south end of lake George, and running thence on a direct line to the north-east corner of Fairfield, thence west along the north line thereof to the river Hudson, thence along the north bounds of Saratoga county, to the east line of Herkemer county, thence along the east line of Herkemer county to Clinton county, thence east along the south line of Clinton county to lake George, thence southerly along the west banks of the said lake, to the place of beginning, shall be and is hereby erected into a separate town, by the name of Thurman; and that the first town-meeting shall be held at the dwelling-house of Richard Thurman, in the said town. And that the remaining part of the town of Queensbury be and remain the town of Queensbury; and that the first town meeting in Queensbury shall be held at the house where the last town-meeting was held, in the said town.

XV. *And be it further enacted*, That all that part of Middletown, in Ulster county, south by a line beginning in the middle of the river Delaware, or the division line between the great lots number thirty-seven, and number thirty-eight in the Hardenburgh patent, and running on the said line south-easterly to the north-west corner of a tract of land belonging to Jacob Tremper, then along his bounds southerly to Paghkataghkan Kill, thence the same course continued to the division line between the great lots, number five and number six, in the said Hardenburgh patent, thence south-easterly along the said last mentioned line, to the bounds of the town of Rochester, shall be, and is hereby erected into a separate town, by the name of Colchester; and the first town-meeting in Colchester shall be held at the dwelling house of Lazarus Sprague. And that all the remaining part of Middletown, north of the said before described lines, shall be and remain a separate town, by the name of Middletown, and that the first town-meeting in Middletown, shall be held at the house of Simeon Van Wagenen.

XVI. *And be it further enacted*, That all that part of the town of Woodstock, in the county of Ulster, bounded west by the west bounds of the county of Ulster, south by the north bounds of Middletown, east by a line to begin on the said north bounds of Middletown, two miles east of Papachton river, and running northerly to a monument, number seven, at the head of the said Papachton river, and thence continuing the same course

A certain part of the town of Queensbury, in Washington county, erected into a town by the name of Fairfield.

A certain other part of Queensbury erected into a town by the name of Thurman.

A certain part of Middletown, in Ulster county, erected into a town by the name of Colchester.

A certain part of the town of Woodstock, in Ulster county, erected into a town by the name of Stamford.

northerly, until it meets the line of Albany county, and thence northerly along Albany county, shall be erected into a separate town, by the name of Stamford; and that the first town-meeting in Stamford, shall be held at the house of Peter Knapp. And that all the remaining part of the said town of Woodstock, shall be and remain a separate town, by the name of Woodstock; and the first town-meeting in Woodstock, shall be held at the house of the late Elias Hasbrouck, deceased.

XVII. *And be it further enacted*, That all that part of the town of Rensselaerwyck, which lies north of a line to be drawn from a point on the east bank of the river Hudson, eight miles distant from the south-west corner of the town of Rensselaerwyck, and running from thence east, to the west bounds of Stephentown, shall be, and is hereby erected into a separate town, by the name of Greenbush; and that the first town-meeting in Greenbush, shall be held at the dwelling house of Abraham M. de Forest, in the said town. And that all the remaining part of the town of Rensselaerwyck, shall be and remain a separate town by the name of Rensselaerwyck; and that the first town-meeting in Rensselaerwyck, shall be held at the dwelling house of John I. Miller, in the said town.

XVIII. *And be it further enacted*, That all the towns herein before mentioned to be divided, shall be considered as divided from and after the first Monday in April next, and that the freeholders and inhabitants of the said towns respectively, shall be, and hereby are empowered, to hold town-meetings, and elect such town officers, as the freeholders and inhabitants of the other towns of this state elect by a law, entitled, "An act for dividing the counties of this state into towns," passed 7th March, 1788; and that the town officers to be by them elected, shall have the like powers and privileges, as the freeholders and inhabitants and town officers of any other town in this state; may exercise by the law aforesaid.

XIX. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall, by notice to be given for that purpose, by the supervisors of the towns aforesaid, meet together and apportion the poor maintained by the said towns, previous to the division thereof, between the said former towns and the towns erected by this act into separate towns, in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor, as aforesaid, then, and in such case, the supervisors of the counties in which such towns shall severally be, shall, at their next meeting, apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them most just and equitable; and the said towns shall thereafter respectively maintain their own poor.

## C H A P. LX.

*An ACT for laying out, repairing and improving certain public Roads and Highways within this State.*

Passed 10th April, 1792.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, That for erecting and constructing the bridges, and improving the roads or highways herein after specified, in the western district of this state, William North, Silas Talbot and Theodorus V. W. Gra-

ham, or any two of them, shall be, and they are hereby appointed, a board of commissioners. That Peter Van Ness, John Williams, and John Knickerbacker, junior, or any two of them, shall be, and they are hereby appointed a board of commissioners for the like purposes in the eastern district of this state. That Isaac Van Wyck, James Clinton and Seth Mervin, or any two of them, shall be, and they are hereby appointed a board of commissioners for the like purposes in the middle district of this state. That Philip Van Cortlandt, Ebenezer Stephens and Ebenezer Purdy, or any two of them, shall be, and they are hereby appointed, a board of commissioners for the like purposes, in the southern district of this state.

II. *And be it further enacted*, That the bridges to be erected and constructed, and the roads to be improved under the care and inspection of the said boards of commissioners respectively, in the districts for which they are respectively appointed, shall be erected, constructed and improved, by contract, in every case where contracts can be made, and where no contracts can be made, in such manner as to the said several boards of commissioners shall appear most eligible, and best calculated to promote the public interest, that the piers of

Bridges, in what manner to be made, and roads, in what manner to be improved.

every bridge herein after particularly specified to be erected and constructed pursuant to this act, shall be made of stone masonry, and shall be covered with timber or plank; of at least four inches thick, with a strong rail work on each side thereof; and that the roads herein after particularly specified to be improved, shall have the beds thereof filled with stones, archwise (where stones can be obtained) and covered with gravel or pebbles, to the thickness of eighteen inches at least, and with a ditch of sufficient breadth and depth on each side, to carry off water, with water courses under the road, where needful, to drain the water out of the ditches; and every such improved road, shall be at least twenty-five feet wide, from the inside of one ditch, to the inside of the other ditch.

III. And whereas, Some of the bridges to be erected, and roads to be improved in each of the said districts, are more immediately necessary than others: Therefore, *Be it further enacted*, That the said boards of commis-

Commissioners to have discretion to build such bridges, and make such roads, and in the order they may think proper.

sioners, in the districts for which they are respectively appointed, shall erect such of the said bridges, and improve such of the roads as are herein after specified, as to a majority of them shall appear will be most immediately necessary, and tend most to promote the object of this act, and then proceed to the others, until the several sums of money appropriated for the purposes aforesaid, in each district, shall be expended.

That each of the said commissioners, before he enters on the duties by this act enjoined on him, take and subscribe an oath before the chancellor, or one of the judges of the supreme court, or one of the judges of the court of common pleas, in any county where such oath shall be made, which oath shall be in the words following: " I do solemnly and sincerely promise and swear, that I will in all things, to the best of my knowledge and understanding, well and faithfully execute the trust reposed in me, by the act entitled, " An act for laying out, repairing and improving certain public roads and highways within this state," and that I will not, out of favour or partiality to any person or persons, give my vote for first erecting any particular bridge, or for improving any particular road, other than such as I shall honestly and sincerely deem ought to be first attended to.

Bridges to be built, and roads to be made in the western district, particularly pointed out.

IV. *And be it further enacted*, That the particular bridges to be erected and constructed, and the particular roads or parts of roads to be improved under the direction of the said boards of commissioners respectively, shall be as follows,

to wit: In the western district, a bridge over the Schoharie creek, at any place they may think most advisable, between the north bounds of the farm now occupied by Oliver Hills, and the north bounds of the farm now occupied by

Degroot, in the town of Duaneburgh; the improving and repairing the public road or highway, leading from the city of Albany, to begin at the house of Isaac Truax, junior, and continue through Duaneburgh to Cherry Valley, and from thence to the outlet of Lake Otsego, in the county of Otsego; the building and erecting a bridge over the Mohawk river, below the Cahoes or Great Falls on the said river, at such place as the said commissioners shall deem proper. Provided always, That

No more than three thousand pounds to be appropriated for the bridge over the Mohawk River, below the Great Falls.

no greater sum than three thousand pounds shall, by the said commissioners, be appropriated to the said bridge, nor shall the said commissioners contract for, or otherwise attempt to erect and construct the said bridge, until they shall, by subscription, or other voluntary donation, have received the

further sum of one thousand pounds; the improving and repairing the public road or highway, on the north side of the Mohawk river, leading from the ferry at the town of Schenectady, in the county of Albany, to the summit of Tripes Hill, in the county of Montgomery; the building and erecting a bridge over the East Canada creek, nearly opposite Canajoharie Castle, on the public road or highway leading from Tripes Hill aforesaid, to the Little Falls in the county of Montgomery; the building and erecting a bridge over the West Canada creek, on the public road or highway, leading from the Little Falls aforesaid, to Fort Stanwix; the improving and repairing the public road or highway from the south bounds of the city of Albany, to the north bounds of the county of Ulster; and erecting bridges over the creeks on the said road; to build and erect a bridge over the Owego creek, near the mill belonging to James M'Master, in the town of Union, in Tioga county; to erect and build a bridge over the Schoharie creek, at such place as they shall think advisable, between the house of Asa Waterman, in Mohawk town, and the first falls in the said creek, for building and erecting a bridge over Catts Kill, on the road leading from Catts Kill landing to the Schoharie Kill; to lay open and improve the road from the ninety mile stone to the painted post in the county of Ontario, and from thence to continue the same to the east line of the county of Ontario; and erecting a bridge over the Saccondaga Branch, near the river Hudson. In the eastern district, the building and erecting a bridge on the public road or highway,

Bridges to be built, and roads to be made in the eastern district, particularly pointed out.

over Kenderhook creek, in the town of Kenderhook, in the county of Columbia; the erecting of a bridge across Batten Kill, in Washington county, at or near the dwelling house of Stanton Tift in Easton, and laying out and repairing the road leading from the said bridge to the east part of Argyle and to Salem, so as to avoid the hill, commonly called Campbell's Hill; the building and erecting a bridge over the Schompamack creek, in the town of Claverack, near the now dwelling house of Henry Muller; to build and repair the bridges in the road, and repair the road from Jeremiah Landon's store, in the eastern bounds of Stephen Town, in the county of Rensselaer, to Schodock, at the river Hudson; to repair the public road and bridges between the house of Jacob Overacker, and

the bridge known by the name of Chace's bridge, in the county of Rensselaer; to erect a bridge over Tomhenick creek, at or near the place where the old bridge now stands, on the public road leading through the lands of Joseph Kline, in the county of Rensselaer; to repair the causeway at and near the said bridge; to amend and repair the said public road, leading from the said bridge, to the bridge over Hosick river, at Sanchoyk; to repair the bridges and road leading from the white house at Hosick river, in the town of Hosick to Troy, between the said white house and Ellice's tavern, in Pitts Town, in the county of Rensselaer; for erecting bridges, and laying out and repairing roads in the county of Clinton, from the north end of Lake George to the north line of this state; the building a bridge over Hosick river, near the house of Martin Buskirks, in the town of Cambridge, in the county of Washington, and repairing the roads and bridges leading from the house of Joseph Caldwell, in Kingbury, to the south end of Lake Champlain; a bridge over the Schamkamack creek, near the house of James Van Rensselaer. In the middle district, to lay out and improve the post road from the south bounds of the county of Dutchess, as far north as the south bounds of the town of Fishkill, to make such alterations

In the middle district particularly pointed out.

in the direction thereof as the said commissioners, or a majority of them, shall deem for the benefit of the public; to erect a bridge on the post road or highway, nearest Hudson's river, over Wappinger's creek, in the county of Dutchess, at such place as they shall judge best; and they are hereby authorized and empowered, to make such alterations in the post road, on each side of the said bridge, as may become necessary, if the said bridge shall be fixed at any other place than where the bridge over said creek at present stands; to erect a bridge over the Ramapough creek, in some convenient place, at or near where the road leading from the house of Stephen Slott (in Orange county) towards New Windsor, crosses the said creek; to improve and repair the public road or highway in the county of Orange, leading from the house of John Suffern, at the mouth of the Ramapough Clove by Sterling furnace, and across the mountains to the mill at Belle Vale, in the town of Warwick; to build and erect a bridge over the Schoharie creek, near the house of Jonas Laraway, in the town of Woodstock, in the county of Ulster, on the public road that leads from the river Hudson to the Susquehannah; to open a public road or highway from Cashehton, on the Deiaware river, to Mama-Kating, or Peenpack in Ulster county, or to such other place, between these two last mentioned settlements, as the said commissioners may think proper, and most for the public good; to improve and repair the road or highway leading from the house of Henry Reynolds, in Smith's Clove, along, by or near the dwelling house of Archibald Cunningham, in the said Smith's Clove, in the county of Orange, to the dwelling house of Thomas Cooper, at the Indian Fields in the said county. In the southern district, to lay out and improve the post road from Kingbridge through the county of Westchester, as far north as the south bounds of the county of Dutchess, and to erect a bridge over Croton river, in the said county of Westchester, at such place as the said commissioners shall deem proper; the building, erecting, and keeping in repair, a bridge over Spyt den Duyvel creek, at or near Kingbridge, at such place as the commissioners shall think proper, and the repairing the post roads on the island of New-York, Long-Island and Staten-Island.

V. *And be it further enacted*, That it shall and may be lawful for the treasurer of this state, to pay unto the several boards of commissioners herein be-

fore appointed, on the warrant of his excellency the governor, or the person administering the government of this state for the time being, the several sums of money following, to wit: To the commissioners for the western district the sum of nine thousand four hundred and fifty pounds. To the commissioners of the eastern district, the sum of two thousand six hundred and fifty pounds. To the commissioners for the middle district, the sum of four thousand two hundred and fifty pounds; and to the commissioners for the southern district, the sum of three thousand six hundred and fifty pounds. Provided always, That after the delivery of such warrants, the treasurer shall, from time to time, pay such of the said monies, as the boards of commissioners shall respectively draw for, but no such payments shall be made until all the appropriations made at this session, shall be previously satisfied.

Commissioners, how  
or govern themselves  
where an alteration is  
to be made in the di-  
rection of any public  
road.

VI. *And be it further enabled*, That the several boards of commissioners herein before appointed, shall, in every case where an alteration shall be made, or become necessary to be made, to carry the intent of this act into effect, in the direction of any public road or highway, be governed by and pursue the directions of the act, entitled, "An for the better laying out and keeping in repair the public highways and private roads, in the county of Westchester," as far as relates to the breadth of such public road or highway, and the compensation to be made to individuals whose estates may be affected thereby.

VII. *And be it further enabled*, That each of the said commissioners shall be entitled to receive for their services, the sum of sixteen shillings for every day they shall be respectively employed in the said business, to be paid by the county in which they shall be so employed, and to be raised, levied and paid, together with, and in the same manner as, the necessary and contingent charges of such county, are raised, levied and paid; and that the said commissioners shall account with the auditor of this state, for the monies they shall respectively receive, from the treasurer of this state, by virtue of this act.

VIII. *And be it further enabled*, That the treasurer of this state be, and he is hereby directed to pay to Edward Paine, for his trouble and expence in opening a road from the head of the lake Cayuga, to the mouth of the Owego branch of the river Susquehanna, the sum of two hundred and thirty pounds.

Treasurer to pay Ed-  
ward Paine 23-1, for  
opening a certain road

#### C H A P. LXI:

*An ACT to incorporate the Stockholders of the Bank of Albany.*

Passed 10th April, 1798.

**W**HEREAS Abraham Ten Broeck and others, associated in a company, under the stile of "The president, directors, and company of the bank of Albany," by their petition presented to the legislature, have prayed for the privilege of being incorporated: Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly*, That all such persons as now are or hereafter shall be stockholders of the said bank, shall be, and hereby are ordained, constituted, and declared to be and continue until the second Tuesday in May, which will be in the year of our Lord one thousand eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of "The president, directors, and company of the bank of Albany," and that by that name they and their successors, until that day, shall and may have continual suc-

cession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors by the same name of "The president, directors, and company of the bank of Albany," shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation.

Each share to consist of 400 dollars, and the amount of such shares not to exceed in number six hundred, exclusive of what the state may subscribe.

Subscriptions, how to be received, and the whole amount of property not to exceed 250,000 dollars.

II. *And be it further enacted*, That a share in the stock of the said bank shall be four hundred Spanish milled dollars, or the equivalent thereof in specie; and the number of shares, exclusive of any share that may be subscribed on the part of the state, shall not at any time exceed six hundred; and subscriptions may be kept open, under the direction of the president and directors of the said bank, until the said number of shares be filled; and the whole amount of the stock, estate and property which the said corporation shall hold, including the capital stock or shares above mentioned, shall never exceed in value two hundred and sixty thousand dollars.

Stock and property of the bank to be managed by thirteen directors annually chosen.

And notices to be given 60 days previous to their election. Manner of holding such elections.

III. *And be it further enacted*, That the stock, property, and concerns of the said corporation, shall be managed and conducted by thirteen directors, stockholders and citizens of this state, who shall hold their offices for one year, nine of whom shall be residents of the city of Albany, and the said thirteen directors shall be elected on the second Tuesday of May in every year, at such time of the day, and at such place in the city of Albany, as a majority of the directors for the time being shall appoint; and public notice shall be given by the said directors, not less than sixty days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said bank as shall attend for that purpose, in their proper persons, or by proxy; and all elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election shall be the directors (except as is herein after directed) and if it should happen at any election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than thirteen shall by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorized to vote at such election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes, shall be the director or directors, so as

Directors, when elected, to elect a president, and three of the directors to go out of office every year.

to complete the whole number of thirteen; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and three of the directors which shall be chosen in any year, excepting the president, shall be ineligible to the office of director for one year after the expiration of the time for which they shall be chosen directors; and in case a greater number than nine of the directors, exclusive of the president who served for the last year, shall appear to be elected, then the election of all such person or persons above the said number, having a less number of votes than the said nine persons so elected as aforesaid, shall be considered as void, and such other of the stockholders as

shall be eligible, and have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, and who are hereby declared ineligible as aforesaid: And the president for the time being shall always be eligible to the office of director; but stockholders not residing within the city of Albany aforesaid shall be ineligible to the office of president: And if any of the said nine directors, to be resident in the city of Albany aforesaid, shall remove out of the said city, or any other of the said directors shall remove out of this state, the office of such director shall be considered as vacant: And if any vacancy or vacancies shall at any time happen among the directors, by death,

Vacancies of directors, how to be filled.

resignation, or removal, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections, at such time and place in the city of Albany as the remainder of the directors for the time being, or the major

The first directors named, and to hold their offices until a certain day.

part of them, shall appoint: And the first directors shall be Philip Schuyler, Abraham Ten Broeck, Stephen Van Rensselaer, Goldsbrow Banyar, Stephen Lush, Jeremiah Van Rensselaer, Cornelius Glen, Daniel Hale, James Caldwell, John Stevenson, John Maley, Albert Pawling, and John Sanders, and shall hold their offices until the second Tuesday of May next.

IV. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

How the number of votes are to be apportioned among the stockholders.

V. *And be it further enacted*, That each stockholder, at elections, and on all other questions, shall be entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or her name, according to the following ratio, that is to say: one vote for every share, not exceeding four, five votes for six shares, six votes for eight shares, and one vote for every five shares above ten; but no person, copartnership, or body politic, shall be entitled to more than fifteen votes; and no stockholder, unless actually resident within the United States, shall vote at elections, or on any other occasion by proxy.

Directors to make half yearly dividends of the profits of the bank.

VI. *And be it further enacted*, That it shall be the duty of the directors, to make a dividend of so much of the profits of the said bank, as to them, or a majority of them, shall seem advisable, on the second Tuesday of May, one thousand seven hundred and ninety three, and thereafter to make half yearly dividends of so much of the profits of the said bank, as to them, or a majority of them, shall seem advisable.

General meetings of stockholders how to be called.

VII. *And be it further enacted*, That a general meeting of the stockholders may be called, whenever the directors, or a majority of them, or a number of stockholders, not less than twenty, who, together, shall hold not less than one hundred shares, shall judge proper; of which meeting the directors or stockholders calling it, shall give at least four weeks notice in one of the public Gazettes printed



in the city of Albany, and specify in such notice, the object or objects of the said meeting.

**VIII. And be it further enacted,** That this state shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole the number of fifty, at any time when they shall by law authorise any person or persons for that purpose; and the state shall have a right to increase the number of shares and stock which the said corporation may hold, to the amount of the number of shares so to be subscribed, if the number of shares herein before limited, shall be subscribed, before such subscription shall take place on the part of the state.

**IX. And be it further enacted,** That every cashier and clerk, before they enter on the duties of their office, shall give bond, with two or more securities, to the satisfaction of the directors, such cashier in a sum not less than ten thousand dollars, and each clerk in a sum not less than two thousand dollars, with condition for the faithful discharge of his duty.

**X. And be it further enacted,** That the said corporation shall not demand any greater interest on any loan or discount, than at the rate of six per centum per annum.

**XI. And be it further enacted,** That no president or other director shall be entitled to any emolument for their services, and that seven directors shall constitute a board for the transaction of business, of whom the president shall be one, except in case of sickness or absence, in which case the directors present may choose a chairman pro hac vice. And that there shall be quarterly meetings of the said directors, at such times in the year as shall be appointed by the bye laws of the said corporation.

**XII. And be it further enacted,** That the directors shall have power to make and prescribe such bye laws, rules and regulations, as they shall judge proper, touching the duties and conduct of the officers and servants employed therein, and such other matters as appertain to the said bank; and shall have also power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

**XIII. And be it further enacted,** That the total amount of the debts which the said corporation shall at any time owe by bond, bill, note, or other contract, over and above the specie then actually in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the bank; and in case of such excess, the directors under whose administration it shall happen, shall, in case of loss, be liable for the same, in their natural and private capacities; but this shall not be construed to exempt the said corporation, or any estate real or personal which they may hold as a body corporate, from being also liable for and chargeable with the said excess; but such of the said directors, who may have been absent when the said excess was contracted, or may have dissented from the resolution or act whereby the same was so contracted, may respectively exonerate themselves from being liable, by giving immediate notice of the fact, and of their absence or dissent, to the stockholders at a general meeting, to be called for that purpose.

State entitled to subscribe fifty shares whenever they shall think proper.

Cashier and clerks, before they enter on the duties of their office, to give bonds.

Corporation to demand no more than at the rate of six per cent. for any discounts.

President and directors entitled to no emoluments for their services, seven directors to constitute a board.

And directors to hold quarterly meetings.

Directors empowered to make bye laws and to appoint their officers, &c.

Company never to contract debts more than three times the amount of their capital stock actually paid into the bank.

If they do they shall be answerable for the same in their private capacities.

Corporation to hold  
no real estate but such  
as is necessary for its  
accommodation or as  
they may have obtained  
for debts due to  
them.

XIV. *And be it further enacted*, That the lands, tenements and herditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to the convenient transaction of its business, or such as have been bona fide mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts. And the said corporation shall not directly or indirectly deal or trade, in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or selling any stock, created under any act of the United States, or of any particular state, unless in selling the same when truly pledged to it by way of security, for debts due to the said corporation.

No transfer of stock  
valid, unless made as  
herein directed.

XV. *And be it further enacted*, That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book or books, to be kept for that purpose, by the directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation.

Bills or notes under  
the seal of the corpo-  
ration assignable by  
indorsement.

XVI. *And be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereon, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in

And notes issued by  
said corporation not  
under their seal, to be  
binding and obliga-  
tory, as if issued by a  
private person.

his, her, or their own name or names; and bills or notes which may be issued by the said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

This act of incorpo-  
ration not to be for-  
feited for any non  
user whatsoever be-  
fore a certain day.

XVII. *And be it further enacted*, That this present act of incorporation shall in no wise be forfeited for any non user whatsoever, at any time before the second Tuesday of June next, and that it shall on that day be lawful for the stockholders of the said bank to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary notwithstanding.

This act declared to  
be a public act.

XVIII. *And be it further enacted*, That this act be, and is hereby declared to be a public act, and that the same shall be construed in all courts and places benignly and favourably for any beneficial purpose thereby intended.

## C H A P. LXII.

*An ACT to prevent the pernicious Practice of Stock-Jobbing, and for regulating Sales at Public Auction.*

Passed 10th April, 1792.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the person admin-

**Council of appointment** to appoint any number of vendue-masters for the city of New-York, not exceeding 24.

judge necessary: Provided, That their number shall not, at any one time, exceed twenty-four, anything in any law to the contrary notwithstanding.

**II. And be it further enacted,** That it shall not be lawful for any person or persons whomsoever to sell and dispose of any public securities or stock, created under the acts of Congress of the United States, or of any individual state, at public vendue or outcry, within the state of New-York,

from and after the first day of May next, under the penalty of one hundred pounds for each offence, to be recovered by any prosecutor, or by the attorney general in the manner herein after directed.

**III. And be it further enacted,** That all contracts, written or verbal, public or private, made after the passing of this act, for the sale or transfer, and all wagers concerning the prices, present or future, of any certificate or evidence of debt, due by or from the United States, or any separate state, or any share or shares of the stock of the bank of the United States, or any other bank, or any share or shares of the stock of any company established or to be established, by law of the United States or any separate state, shall be, and all such contracts are hereby declared to be absolutely null, void, and of no effect: And both parties are hereby discharged

unless the party contracting to sell shall hold the stock at the time of the contract, either in his own right, or by power of attorney.

Any person who may have paid any differences on such contracts may recover back the same.

from the lien and obligation of such contract or wager, unless the party contracting to sell and transfer the same shall, at the time of making such contract, be in the actual possession of the certificate, or other evidence of such debt or debts, share or shares, or be otherwise entitled in his own right, or duly authorized and empowered, by some persons so entitled to transfer the said certificate, evidence, debt or debts, share or shares, so to be contracted for; and the party or parties who may have paid any premium, differences or sums of money, in pursuance of any contract hereby declared to be void, shall and may recover all such sums of money, together with damages and costs, by action on the case on a assumpsit, for money had and received to the use of the plaintiff, to be brought in any court of record.

**IV. And be it further enacted,** That no licensed vendue master or vendue masters, auctioneer or auctioneers, or any other person or persons whatsoever, shall on the day and place when they shall respectively hold their public vendues, sell or dispose of at private sale, any goods, wares or merchandizes liable to a duty by the laws of this state, under the like penalty for every such offence, as is mentioned in the thirteenth section of the act, entitled, "An act for the regulation of sales by public auction," passed the twentieth of February, one thousand seven hundred and eighty-four, to be recovered by any person or persons who shall prosecute for the same, the one half thereof, when so recovered, to be paid to the treasurer for the use of the people of this state, and the other half to the use of the person or persons who shall sue for the same.

**V. And be it further enacted,** That no person hereafter shall expose to sale at public out-cry or vendue, any goods, wares, merchandizes, or effects, on which a duty is laid by

No person to sell any goods at auction liable to a duty, &c.

deputy or otherwise, the act, entitled, "An act to amend an act entitled an act to a licensed auctioneer, under a certain penalty.

to any licensed auctioneer or vendue master, or otherwise, under the penalty of one hundred pounds for each offence, to be recovered by any person suing for such forfeiture, by bill, plaint, or information, in any court having cognizance of the same, the one moiety of such penalty to be for the use of the people of this state, and the other moiety to the person who shall sue for the same. Provided always, That any vendue master may employ his co-partner in trade, or one of his clerks to hold such vendue, in case of his sickness or inability to attend, he being accountable for the conduct of such co-partner or clerk.

VI. *And be it further enacted,* That if no person or persons shall, within seven days after any offence shall be committed against this or any other act, regulating sales at public auction within this state, prosecute for the penalties therein mentioned, it shall be lawful for the attorney-general to prosecute for the same, which penalties, when recovered, shall be paid to the treasurer, to and for the use of the people of this state.

# C H A P. LXIII.

## *An ACT for the support of Government.*

Passed 11th April, 1792.

I. **B**E it enacted by the people of the State of New-York, represented in senate and assembly, That from and after the first day of July next, there shall be allowed to the several officers of government hereafter mentioned, the following annual salaries:

To the person administering the government of this state for the time being, the sum of fifteen hundred pounds.

To the chancellor, the sum of eight hundred pounds.

To the chief justice, the sum of eight hundred pounds. And,

To each of the other judges of the supreme court, the sum of seven hundred and fifty pounds. But this provision shall not be construed to extend to any judges of the said court, that may be appointed after their number shall amount to five.

To the treasurer, the sum of eight hundred pounds.

To the secretary, for attending the legislature for the purpose of receiving the laws, for attending the council of appointment, and in lieu of all the fees for issuing commissions to officers of the militia, the sum of one hundred and fifty pounds.

To the attorney-general, the sum of eight hundred pounds.

To the private secretary of the person administering the government of this state for the time being, the sum of one hundred and twenty-five pounds. And the said annual sums herein before specified, shall, from and after the first day of July next, be payable in equal quarterly payments at the treasury; and the first quarterly payment shall become due on the first day of October, and the second quarterly payment on the first day of January, and the third quarterly payment on the first day of April, and the fourth quarterly payment on the first day of July in every year; and the said several sums shall be computed as becoming due to the said several officers, in proportion to the times for which they shall hold their respective offices. And the treasurer is hereby authorized to pay the said annual sums in quarterly payments at the treasury as aforesaid, to the several persons who may at any time hereafter hold any of the said respective offices, upon the receipt of a certificate signed

by the person administering the government of this state for the time being, and under the privy seal of the state, certifying, that at the time when the last quarterly payment became due, the person in whose favor the certificate may be given, held the office for which he may demand a compensation, and that therefore he is entitled to such compensation, by virtue of this act: And if any such certificate shall contain all or any number of the persons names, who may hold the said offices, it shall be considered by the treasurer as a sufficient voucher for the payment of the said annual sums as aforesaid, to the several persons in whose favor it may be given; and if any person or persons shall cease to hold any of the said offices, at any time between the times above prescribed for quarterly payments, such certificate or certificates shall specify the time when he or they may have respectively ceased to hold any of the said offices: But no such certificate shall be necessary, for the person administering the government of this state for the time being, but the treasurer shall pay into his hands in quarterly payments, such sums as shall become due to him as aforesaid, without any such certificate; and may in like manner without any such certificate, retain in his own hands such quarterly payments as shall become due to himself by virtue of this act.

II. *And be it further enacted*, That from and after the first day of July next, it shall not be lawful for the chancellor, or the judges of the supreme court, or any or either of them, to ask, demand or receive, by virtue of the act, entitled, "An act for regulating the fees of the several officers and ministers of justice within this state, or by virtue of any law or custom of this state, any fees or perquisites, for any thing to be done by them, or any or either of them, in virtue of their offices; the salaries herein before allowed to them being intended as a full compensation for their services, in their respective offices.

III. *And be it further enacted*, That on the first day of July next, the said officers shall each of them be allowed and paid for their respective services, during the present year, the following salaries, that is to say: the person administering the government, the sum of one thousand five hundred pounds; the chancellor the sum of six hundred pounds; each of the judges of the supreme court, the sum of six hundred pounds; the treasurer the sum of eight hundred pounds: the attorney general the sum of six hundred pounds; the secretary for attending the legislature for the purpose of receiving the laws, and for attending the council of appointment, the sum of one hundred pounds; and the private secretary of the person administering the government of this state for the time being, the sum of one hundred and twenty-five pounds; which salaries the treasurer is hereby authorised to pay upon the receipt of a certificate or certificates of the like purport, and with the like exception, of the names of the person administering the government of this state for the time being, and the treasurer; and signed and sealed in like manner as above prescribed: And the treasurer is hereby authorised, in like manner as above directed, to pay to the person administering the government of this state for the time being, his said salary for the present year, and likewise to retain in his own hands the salary which will be due to himself for the present year, by virtue of this act, without any such certificate; and if any of the said officers shall cease to hold any of their respective offices, before the first day of July next, their said salaries shall be computed as growing due to them for such time as they may hold their said offices respectively.

IV. *And be it further enacted,* That for the present session, and at every session of the legislature in every year hereafter, the president of the senate and speaker of the house of assembly shall each be entitled to receive thirty shillings for every day he shall attend in his station, and that each member of the senate and assembly shall be entitled to receive twenty shillings for every day he shall attend either of the said houses respectively; and the like compensation to the president of the senate, the speaker of the assembly, and to the other members of the legislature, for every thirty miles of the distance from the place of his residence, to the place of the meeting of the legislature; and such distance shall be estimated by the most usual road, and shall be computed both for travelling to and returning from the place of their said meeting; and if any member of the senate or assembly shall, after his arrival at the place of their said meeting, be prevented by sickness from attending either of the said houses respectively, he shall be entitled to the like daily allowance as aforesaid for every day he shall be so prevented, and the treasurer is hereby authorized to pay such sum as may so become due to each member respectively, upon the receipt of a certificate signed by the president of the senate or the speaker of the assembly, as the case may be, setting forth the number of days that the member in whose favor it shall be given may have attended either house respectively, and the estimated distance of his place of residence, from the place of the meeting of the legislature, and the sum or sums of money that may have become due unto him on that account. And the compensation which may so become due to the president of the senate, and the speaker of the assembly, shall be certified in the like manner by the clerk of the senate and the clerk of the assembly respectively.

V. *And be it further enacted,* That for the present year, and in every year hereafter, there shall be allowed and paid to each of the clerks of the senate and assembly, the sum of thirty shillings per day, for their respective services during the sessions of the legislature; and also the amount of such sums of money as shall be advanced by them respectively, for the use of the senate and assembly, during their sessions, agreeably to such certificate thereof as they shall respectively produce, certified by the president of the senate or the speaker of the assembly, as the case may require; and in like manner there shall be allowed and paid to the serjeant at arms, and the door keepers of the senate and assembly, each the sum of sixteen shillings for every day they shall attend the legislature, agreeably to such certificate thereof, as they shall respectively produce, certified by the president of the senate, or the speaker of the assembly, as the case may require; which several compensations and sums of money the treasurer is hereby authorized to pay, upon the receipt of the several certificates last above mentioned.

VI. *And be it further enacted,* That for the present year, and in every year hereafter, the members of the council of appointment, for each day of their attendance in council, during the recess of the legislature, and for travelling from and to their respective places of residence, shall be entitled to the like compensation as hath been before prescribed for the members of the legislature; and the treasurer is hereby authorized to pay the sums that may so become due to them respectively, upon the receipt of a certificate or certificates, signed by the person administering the government of this state for the time being, setting forth the number of days that they may have severally attended in council, and the distance of their several places of residence from the place of their meeting, and the sums due to them severally on that account.

Treasurer to pay the following sums yearly to the following persons.

VII. *And be it further enacted,* That the treasurer shall, for the present year, and in every year hereafter, pay the following sums to the persons herein after mentioned: To

To the governor,  
\$401. to pay certain  
annuities to certain  
tribes of Indians.  
And the further sum  
of \$200. for incidental  
charges relating to  
Indian affairs.

the person administering the government of this state for the time being, the sum of six hundred and forty pounds in specie, to be by him paid to the Oneida, Onondaga, and Cayuga tribes of Indians ; it being the amount of the annuities payable to them in pursuance of certain treaties heretofore concluded between them and commissioners appointed for that purpose, on the part of the state ; and also such sums of money for incidental charges attending Indian affairs, as by warrant under his hand and the privy seal of the state, he shall draw from the treasury, not exceeding in the whole the sum of two hundred pounds in any one year : To the secretary of the state, for his services in recording the laws, for making copies thereof with marginal notes for the press, and making copies thereof by the direction of the governor, or of the senate and assembly, and for engrossing the minutes of the council of appointment, after the rate of one shilling and six pence per sheet, each sheet to consist of one hundred and

To the secretary of  
the state, for copying  
and recording the laws  
&c. the amount of his  
account, to be audited  
by the auditor.

Treasurer yearly to  
retain in his hands the  
expences of his office.

twenty-eight words ; and for every commission of oyer and terminer and general gaol delivery, and general commission of the peace, issued in any year, the sum of twenty shillings, agreeably to such accounts thereof as he shall produce, audited by the auditor of this state. And it shall be lawful for the treasurer to retain in his own hands such sums of money as he shall necessarily expend in defraying the incidental charges of his office, agreeably to such accounts thereof as shall be audited by the auditor of this state. Provided, That such sum or sums of money shall not, in the whole, exceed the sum of five hundred pounds in any one year.

Said several sums  
directed to be paid an-  
nually, to be paid out  
of certain revenues.

VIII. *And be it further enacted*, That the several sums of money directed to be paid annually by this act, shall, for the present year, be paid out of any monies which may be or may come into the treasury ; any law to the contrary notwithstanding. And from and after the first day of July next, shall be payable out of any revenue now arising, or that may hereafter arise from any of the funded debt of the United States, belonging to the people of this state ; or from any monies loaned by this state, in conformity to law, or from any revenue arising to the people of this state, in any manner whatever. And the said annual revenue, or so much thereof as shall be necessary for that purpose, shall, from and after the first day of July next, be, and is hereby appropriated for the purpose of paying the several sums of money by this act directed to be paid.

#### C H A P. LXIV.

*An ACT to continue an Act, entitled, " An Act granting a Bounty on Hemp, to be raised within this State."*

Passed 11th April, 1792.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, That the act, entitled, " An act granting a bounty on hemp, to be raised within this state," be, and the same is hereby continued in full force and virtue, to all intents and purposes, and that the bounty therein mentioned, shall be allowed and paid upon all such hemp as in the same act is described, which shall be raised within this state, and brought to the city of New-York, before the first day of June, one thousand seven hundred and ninety-five.

[The Act, granting a Bounty on Hemp, not having been printed among the Laws of the Session in which it passed, is inserted here.]

*An ACT granting a Bounty on Hemp, to be raised within this State.*

Passed 3d March, 1784.

- I. **B***Enacted by the people of the State of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That*

A bounty of eight shillings to be paid by the treasurer for every hundred of hemp brought to the city of New-York, on the production of a certificate from the inspector.

for every hundred weight of good merchantable hemp, which shall be raised within this state, and brought to the city of New-York, on or before the first day of June, one thousand, seven hundred and ninety-two, shall be allowed and paid by the treasurer of this state, out of any monies which may be in the treasury unappropriated, a bounty of eight shillings per hundred, to any person or persons who shall bring such hemp to the city of New-York, and produce a certificate of the weight thereof, and that it is good and merchantable, from one of the inspectors to be appointed by virtue of this act, to inspect all hemp on which a bounty is to be allowed; which said inspectors shall receive for their trouble, from the person who shall employ them, at the rate of six-pence per hundred weight, and no more.

Inspector's allowance.

Governor and council of appointment to appoint two inspectors of hemp in the city of New-York, who shall take an oath

II. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, from time to time, to nominate and appoint two or more inspectors of hemp in the city of New-York; and that each of the inspectors, so appointed, before he enters upon the execution of his office, shall, before the mayor, recorder or one of the aldermen of the said city, take and subscribe an oath in the words following, viz.*

Form of the oath.

**I**, do solemnly swear, That I will faithfully discharge the duty of an inspector of hemp, for the state of New-York, and that I will not give a certificate to any person or persons, for a greater quantity than I actually inspect, and for none but such as is merchantable.

A copy of which oath, sworn to and subscribed by the said inspectors respectively, shall be filed with the treasurer of this state.

III. *And be it further enacted by the authority aforesaid,*

Before any person shall have hemp inspected, he shall prove to the inspector, in what county the hemp was raised, and when.

That the person who shall have any hemp inspected, by virtue of this act, shall, before he receives such certificate as aforesaid, prove to the satisfaction of the inspector, that the quantity of hemp on his account inspected, was raised in the county of , or counties of , in the state of New-York, in the year ; and also, that no bounty has yet been paid for the same, or any part thereof, to the best of his knowledge or belief; and that he will not receive, or cause to be received, or attempt to receive any greater or other bounty for the same, than is allowed by this act; and shall also produce to the said inspector, an affidavit or affidavits, made before any justice of the peace in this state, from the person or persons who raised the said hemp, that the same was raised in the county of , or counties of , in the state of New-York, in the year , and that no bounty has yet been paid for the same, or any part thereof.



C H A P. LXV.

*An ACT for the Relief of John Van Rensselaer and others.*

Passed 11th April, 1792.

**I.** *BE it enacted by the people of the state of New-York, represented in senate and assembly,* That it shall and may be lawful for the treasurer of this state, and he is hereby required, on making a settlement with the said John Van Rensselaer, to give him credit for the amount of such certificates, as shall appear to the said treasurer, to have been delivered by the said John Van Rensselaer or his agents, to the militia of the regiment commanded by colonel Peter Yates, and of which he was lieutenant-colonel in the late war, for which he shall produce receipts or affidavits of such delivery or payment having been made, upon his entering into bond with sufficient security to the said treasurer, in such sum as the said treasurer shall deem sufficient, conditioned, that the said John Van Rensselaer shall save and keep harmless this state, from any demands which shall or may be made against the said treasurer, for any services by him or them done as officers or privates, in the militia belonging to the said regiment, and for which, the said John Van Rensselaer received the certificates as aforesaid.

**II.** *And be it further enacted,* That the relief intended by the preceding section of this act, to the said John Van Rensselaer, shall be, and is hereby extended to Philip P. Schuyler, late a colonel of militia in the county of Albany.

**III.** *And be it further enacted,* That the said treasurer shall, and is hereby required to stay further proceedings against the said John Van Rensselaer and Philip P. Schuyler for the term of six months, from the time of the passing of this act.

**IV.** And whereas, It is represented to the legislature, that Philip Pelton, Benjamin Pelton and Daniel Pelton purchased from the commissioners of forfeitures for the middle district, a parcel of land in Dutchess county, supposed to have become forfeited by the conviction of Tertullus Dickinson, and that it has been since discovered, that he never was convicted, and that suits have been brought and are now depending for the recovery of the said lands: Therefore, *Be it further enacted,* That the attorney-general shall be, and hereby is directed to examine into the matters aforesaid, and if he shall find, that the people of this state had no right to the said lands, he shall give a certificate thereof, and upon producing such certificate to the treasurer, and conveying the right under the said conveyance from the said commissioners to the people of this state, and delivering the same to the treasurer, he shall pay to the present proprietor, who now holds under the state the sum received by the said commissioners upon the said sale, together with the costs accrued in the defence of the said suits.

C H A P. LXVI.

*An ACT for the Relief of Bais Chard, Samuel Hatch, and others.*

Passed 11th April, 1792.

**W**HEREAS Bais Chard, Samuel Hatch, William Lawrence, William Richardson, Pliney Moore, Stephen Kidder, David Colver, Samuel Foster, Shadrick Doty, and John Commell, have, by their petition, presented to the legislature, set forth, that they did, with class right certificates, locate the Isle La Motte, in Lake Champlain, late in the county of Washing-

ton, containing four thousand eight hundred and eighty-three acres, for which location letters patent, under the great seal of this state, issued the twenty-seventh day of June, one thousand seven hundred and eighty-six : And whereas, The said Isle La Mott is now ceded by this state to the state of Vermont, and the title thereof become of no effect : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the commissioners of the land office are hereby authorized and required to grant letters patent to the said Bas Chard, Samuel Hatch, William Lawrance, William Richardson, Pliney Moore, Stephen Kidder, David Colver, Samuel Foster, Shadrack Doty, and John Commell, or their assigns, for four thousand eight hundred and eighty three acres of any of the unappropriated land belonging to the people of this state, in lieu of the said Isle La Mott, and in case they, or either of them, shall have sold and aliened the same, then to the person or persons to whom the same shall have been sold, and to his or their heirs and assigns ; and, in order that the same may be known, public notice shall be given by the said persons above named, in the newspaper of the printer to this state, printed in the city of New-York, and in one other newspaper printed in the city of Albany, for ten weeks successively, notifying all persons, of an application for such patent, in lieu of the lands included in the said Isle La mott ; and such patent, as is directed in and by this act, shall not issue until such publication shall have been regularly made as aforesaid. Provided, That the persons entitled to any part of the said Isle La Mott, under the said letters patent, shall respectively, in due form of law, convey to the people of the state of New-York all his and their right, title, interest, claim, and demand, of, in, and to the said Isle La Mott, and deposit all the conveyances for the same in the office of the secretary of this state, before any letters patent shall issue to them respectively in virtue of this act.

II. And whereas, It appears to the legislature, that John Reghtmire and Christian Petrie, did purchase from the Indian proprietors, a certain tract of land, previous to the late war, on which they have made improvements, and now reside, for which lands they have no title : Therefore, *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That the commissioners of the land office are hereby authorized and required to issue letters patent to the said John Reghtmire and Christian Petrie, and to their respective heirs and assigns, as tenants in common for all the land so purchased, and now by them actually possessed, not exceeding five hundred acres. Provided, That the said John Reghtmire and Christian Petrie pay to the said commissioners, for the use of the people of this state, the sum of one shilling per acre.

III. *And be it further enacted,* That it shall and may be lawful for the commissioners of the land-office, to grant in fee simple by letters patent to Jellis D. Van Vorst, late a soldier in the regiment commanded by Seth Warner, the like quantity of bounty lands, as has been granted to soldiers in the troops of the line of this state, lately serving in the army of the United States.

IV. *And be it further enacted,* That the treasurer pay such accounts as shall be audited by the auditor for this state, for a supply of Indian corn to the six nations of Indians, and for blankets and clothing furnished to certain of the Oneida Indians, in pursuance of concurrent resolutions of the senate and assembly, in their present session.

C H A P. LXVII.

*An ACT for the better Support of the Hospital in the City of New-York.*

Passed 11th April, 1792.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for the treasurer of this state, for the time being, and he is hereby directed to pay to the treasurer for the time being, of the society of the hospital in the city of New-York, in America, for the use of that corporation, out of any monies then in the treasury of this state, not otherwise appropriated, the sum of two thousand pounds annually, for and during the term of five years, to be computed from the first day of February last, which sum of two thousand pounds, so to be paid, shall become chargeable upon the duty laid, or to be laid on sales at vendue or auction.

C H A P. LXVIII.

*An ACT to permit certain Persons to return to and reside within this State, and to repeal a Clause of the Act therein mentioned.*

Passed 11th April, 1792.

**I.** **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That the several persons named in the act, entitled, "An act for the forfeiture and sale of the estates of persons, who have adhered to the enemies of this state, and for declaring the sovereignty of the people of this state, in respect to all property within the same," and who have been banished from this state, by virtue of the second section of the said act, shall be, and hereby are permitted to return to, and reside within this state, any thing in the said act to the contrary notwithstanding. Provided always, That such permission shall not be construed in any wise to affect the title of the people of this state, to any property vested in them by virtue of such banishment, or by virtue of any forfeiture under the said act.

**II.** *And be it further enacted,* That the twenty-sixth section of the act, entitled, "An act for regulating elections," shall be and hereby is repealed.

C H A P. LXIX.

*An ACT to encourage Literature, by Donations to Columbia College, and to the several Academies in the State.*

Passed 11th April, 1792.

**W**HEREAS it has been represented to the legislature, that the funds of Columbia college in this state, have, in consequence of events which took place during the late war, been so far diminished, as to render it impracticable for the trustees to defray certain necessary expenses which have accrued to the college, in consequence of the alterations in the streets of the city of New-York, and to repair the losses which the college sustained during the late war, with respect to its library, and to incur such further expenses as would render the seminary more extensively useful, without pecuniary aid from the legislature: For remedy whereof,

**I.** *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That there shall be allowed and paid to the trustees of Columbia college, or their order, for the use of the institution, the sum of fifteen hundred pounds, for the purpose of enlarging its library, and the sum of two hundred pounds for a chemical

The certain sums herein mentioned, to be allowed and paid to the trustees of said

college, for certain apparatus; and the sum of twelve hundred pounds for the purpose of building a wall necessary to support the grounds of the college, and the further sum of five thousand pounds for the purpose of erecting a hall and an additional wing to the college, pursuant to the original plan of the institution; and the treasurer is hereby authorized to pay the said respective sums out of such monies as may be or may come into the treasury, of the annual revenue of the state, and which may not be appropriated for the purpose of supporting government, or satisfying claims against the state, or for completing the sum of two hundred thousand pounds to be loaned in the several counties of this state, by virtue of the act, entitled, "An act for loaning monies belonging to this state."

II. *And be it further enabled*, That the treasurer shall annually pay out of the like monies as above described, as shall or may come into the treasury, the sum of fifteen hundred pounds to the regents of the university, or their order, for the term of five years, unless otherwise directed by the legislature, for the purpose of being by them distributed among such and so many of the several academies as now are or hereafter may be erected in this state, during the said terms in such proportions, and to be appropriated in such manner as they shall judge most beneficial, for the several academies, and most advantageous to literature.

III. *And be it further enabled*, That the treasurer shall annually, for five years, unless otherwise directed by the legislature, pay to the trustees of Columbia college, or their order, out of the like monies as above described, the sum of seven hundred and fifty pounds, to be applied to the payment of the salaries of such additional professors in the said college, as the said trustees shall think proper to appoint.

---

C H A P.    LXX.

*An ACT relative to Lands in the Town of Chemung.*

Passed 11th April, 1792.

**B**E it enacted by the people of the state of New-York, represented in senate and assembly, That it shall and may be lawful for the commissioners of the land-office, and they are hereby authorized and required, to grant unto any person or persons, or their legal representatives, the lands to which they are respectively entitled by the act, entitled, "An act for granting certain lands in the town of Chemung. Provided, That the person applying for such grant, hath already paid into the treasury of this state, the money or certificates, which by the said act was required to be paid therefor.

---

C H A P.    LXXI.

*An ACT to grant an additional Compensation to the Loan-Officers for the Counties of Albany and Montgomery, and relating to the Loan-Officers of the said Counties.*

Passed 11th April, 1792.

1. **B**E it enacted by the people of the state of New-York, represented in senate and assembly, That the loan officers of the county of Albany, appointed in pursuance of the act, entitled, "An act for emitting the sum

of two hundred thousand pounds in bills of credit, for the purposes therein mentioned, shall, from and after the passing of this act, annually retain in their hands, each, the additional sum of ten pounds, out of the interest monies paid to them, as compensation for their additional services occasioned by the division of the said county.

II. *And be it further enacted*, That the loan officers of the county of Montgomery, appointed in pursuance of the act aforesaid, shall, from and after the passing of this act, annually retain in their hands, each, the sum of ten pounds, of the interest monies paid to them, as a compensation for their additional services occasioned by the division of the said county; any thing contained in the act aforesaid to the contrary notwithstanding.

III. *And be it further enacted*, That it shall and may be lawful for the supervisors of the counties of Rensselaer, Saratoga, Columbia, Otsego, and Herkemer, at each and every of their annual meetings, in their respective counties, to appoint one or more of the supervisors of the respective counties above mentioned (whose duty it shall be) to attend at any of the meetings directed by the twenty-eighth and twenty-ninth sections of the act, entitled, "An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned," for inspecting and examining the mortgages, minutes, and accounts of the loan officers appointed in the counties of Albany and Montgomery respectively, under the act aforesaid. And that one of the judges, and the supervisor or supervisors so nominated and appointed as aforesaid, of each respective county, shall be sufficient for the purposes in said sections of the act above mentioned; any law to the contrary thereof in any wise notwithstanding.

IV. *And be it further enacted*, That the supervisor or supervisors, so nominated and appointed as aforesaid, in case of his or their non-attendance, shall be subject to the like penalties as in and by the said sections of the act last mentioned, they are made liable to respectively; and it shall and may be lawful for the judges who shall attend, instead of issuing their said precept for convening all the judges and supervisors in the said counties, and it is hereby declared sufficient for the judges aforesaid, to cause one of the supervisors, and one judge, in each of the said new counties, to be summoned in manner as is directed in and by the said two sections of the act aforesaid, and under the like penalties; and a majority of the supervisors, and one of the judges in the counties of Albany and Montgomery, together with one supervisor, and one of the judges, of each of the other counties respectively, to do and perform every act and thing relating to the examining and settling the accounts of the loan officers in the said counties of Albany and Montgomery respectively, as fully and effectually, to all intents and purposes, as if the whole number, or a majority of such supervisors and judges in the said new counties had been present.

C. H. A. P. LXXII.

*An ACT for appointing Electors in this State, for the Election of a President and Vice-President of the United States of America.*

Passed 12th April, 1792.

WHEREAS, by an act of the Congress of the United States, entitled, "An act relative to the election of a President and Vice-President of the United States, and declaring the officer who shall act as President in case of  
Vol. II. P p p

vacancies in the offices both of President and Vice-President," it is provided, That electors shall be appointed in each state for the election of a President and Vice-President of the United States, within thirty-four days preceding the first Wednesday of December, one thousand seven hundred and ninety-two, and within thirty four days preceding the first Wednesday of December in every fourth year succeeding the last election. And whereas, The time within which the appointment of electors is to be made, and their votes given, is too short to admit of their being chosen by the people of this state : Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That

Said electors how to be appointed in this state. electors shall be appointed in this state, for the election of a President and Vice-President of the United States, in the manner provided by the constitution of this state for appointment of delegates to represent this state in the then general congress of the United States of America, and that the legislature shall

When appointed, and where to meet to execute their duties. meet for that purpose on the first Tuesday of November next, and the electors shall meet and give their votes at the court house at Poughkeepsie, in Dutchess county, at the time and in the manner directed in and by the said act of congress, and then and there do, execute, and perform every act, matter, and thing necessary to be done by them by virtue of the said act.

II. *And be it further enacted by the authority aforesaid,* That the electors, chosen as aforesaid, shall be taken from the four great districts of this state, as near as may be, in the following proportion, that is to say—At and after the rate of four from the southern, three from the middle, three from the western, and three from the eastern district, which shall continue to be the ratio until another census shall be taken under the authority of this state.

III. *And be it further enacted by the authority aforesaid,* That the person administering the government of this state, for the time being, immediately after an appointment of electors, as aforesaid, shall, by express, at the expence of this state, cause notice of such appointment to be given to each of the persons so appointed, and shall also, on or before the day of meeting of the electors, cause such lists of the names of the electors to be delivered to them, as is directed by the said act of congress.

IV. *And be it further enacted by the authority aforesaid,* That whenever an election of a President and Vice-President shall become necessary, prior to the ordinary period, the person administering the government of this state, for the time being, shall, by proclamation, convene the legislature of this state on the first Tuesday of November thereafter, in order that electors may be appointed for the purpose.

C H A P. LXXIII.

*An ACT for the Relief of the Indians residing in New-Stockbridge and Brothertown.*

Passed 12th April, 1792.

**I.** *BE it enacted by the people of the State of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the June,* That it shall and may be lawful for the male Indians residing in and being inhabitants of New-Stockbridge, above the age of twenty-one years, on the first Tuesday in May next, and on the first Tuesday of May in every year thereafter, during the continuance of this act, to meet together, and by a plurality of votes to choose a clerk, whose business shall be to preside at such meetings and to enter into a book by him to be kept for that purpose, such proceedings of the said meetings as are by this act directed.

**II.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Indians so assembled, to elect a person to be called a Marshal, whose business it shall be to execute the orders of the peace makers herein after directed to be chosen.

**III.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Indians so assembled, annually to choose three persons to be called Peace Makers, whose business it shall be to lay out such parcel or parcels of land as shall be agreed on by a plurality of votes at any such meeting for the separate improvement of each person or family, to be by the said peace makers marked and described, and a description thereof made in writing by them, and delivered to the clerk, who is to enter the same in his said book,

**IV.** *And be it further enacted by the authority aforesaid,* That each person, having a separate improvement allotted to him or her as aforesaid, the same shall be and remain, to such person or persons and their legal representatives without the power of alienation, and the person or persons so possessed, may bring and maintain an action for any trespass committed on such possession by any white man, Indian, or any other person whomsoever.

**V.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said peace makers, to bring actions in their own name for trespasses committed on any of the undivided lands in New Stockbridge aforesaid, and not by them allotted by particular persons as aforesaid, before any court of justice having cognizance of the same against any white person, Indian, or other person whomsoever.

**VI.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said peace makers, on complaint made to them by any Indian, being an inhabitant of the said towns, against any such inhabitant, for any trespass, debt or demand, the said peace makers shall direct the marshal to cause the parties to come before them with their witnesses, and after having heard them, shall give judgment according to the best of their understanding, and shall advise the parties to comply with their said judgment, but in case they, or either of them, shall neglect or refuse so to do, the said peace makers shall then commit their said judgment to writing, and cause the same to be entered in the town book aforesaid, and the party in whose favor such judgment shall be given, may recover the same as a judgment of record in any court having cognizance of the same: Provided, That no such judgment shall exceed the sum of five pounds.

\*The land allotted to each person to remain to him and his legal representatives.

Peace makers may bring suits for trespasses, in their own names on any of the land in New Stockbridge not particularly allotted by them.

May cause any inhabitant to come before them to answer any trespass, debt or demand, give judgment thereon, &c.

May call meetings of the inhabitants of the said town, for the purpose of having public meetings for the purpose of making improvements.

VII. *And be it further enabled by the authority aforesaid,* That it shall and may be lawful for the said peace-makers, as often as they shall judge it necessary, to call a meeting of the said inhabitants, at such time and place as they shall direct, for the purpose of determining on the laying out of the lands for separate improvements, or any other business which they may judge necessary in pursuance of this act.

VIII. *And be it further enabled by the authority aforesaid,* That it shall and may be lawful for the said inhabitants, at any of their said public meetings, by a majority of votes, to admit any Indian or Indians of any other tribe or nation to become an inhabitant or inhabitants of the said town, to enjoy equal privileges with the other Indians of the same town, the votes respecting the admission of such person or persons to be first entered in the clerk's book.

IX. *And be it further enabled by the authority aforesaid,* That it shall and may be lawful for any inhabitant, having lands allotted to him or her as aforesaid, to sell the improvement thereof to any other Indian or Indians, and his or her assigns, being Indians of the said town, which sales shall be entered in the clerk's book of the said town.

X. *And be it further enabled by the authority aforesaid,* That the said peace-makers shall lay out such roads or highways in the said town as a majority of the inhabitants at any of their public meetings shall direct; and to order such of the inhabitants of the said town, and so many of them, from time to time, to work on the roads or highways, and for so many days as shall be directed by a majority as aforesaid at a public meeting.

XI. *And be it further enabled by the authority aforesaid,* That any two of the said peace-makers shall be a quorum to transact any business enjoined on them by this act.

XII. *And be it further enabled by the authority aforesaid,* That it shall and may be lawful for the said inhabitants of Brother-Town, by a majority of votes, to adjourn their annual meetings, from time to time, as they may judge proper.

XIII. *And be it further enabled by the authority aforesaid,* That it shall and may be lawful for such justice of the peace of the county of Herkemer, as the inhabitants of New-Stockbridge shall invite, to preside at their first meeting to be held in pursuance of this act.

XIV. *And be it further enabled by the authority aforesaid,* That the act entitled, "An act for the relief of the Indians residing in Brother-Town and New-Stockbridge," so far as the same relates to the said Indians residing in New-Stockbridge, excepting the last clause, be, and the same is hereby repealed.

XV. *And be it further enabled by the authority aforesaid,* That it shall be, and it is hereby made the duty of his Excellency the Governor, by such ways and means as he shall judge proper, to remove all such white persons from Brother-Town, who reside and hold lands there by any lease or leases, or other title from any Indian or Indians, other than such leases as have been or hereafter shall be made in pursuance of the several laws of this state.



Land office to cause  
Brother-Town to be  
surveyed.

XVI. *And be it further enacted by the authority aforesaid,*  
That the commissioners of the land-office shall give the necessary directions for running out the bounds of Brother-Town at the expense of this state.

C H A P. LXXIV.

*An ACT for the Relief of Mary Heathcote Muirson.*

Passed 12th April, 1792.

**W**HEREAS Mary Heathcote Muirson, the daughter of George Muirson, late of Suffolk county, Esquire, hath, by her petition set forth, that she has reason to believe, that some part of her late father's estate, the whole of which was forfeited to, and became vested in the people of this state, hath not been accounted for at the treasury of this state; and in her said petition did pray that she might be enabled by law, to sue for and recover the same to her own use; Therefore,

*Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That

All the estate of  
George Muirson forfeited,  
which has not  
been accounted for at  
the treasury, declared  
to be vested in said  
Mary Heathcote Muirson;

all the estate, real and personal, both in law and equity, either in possession, reversion, or remainder of George Muirson, late of Suffolk county, Esquire, which was forfeited to and became vested in the people of this state by virtue of the act, entitled, "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this state, and for declaring the sovereignty of the people of this state, in respect to all property within the same," and which hath not come to the possession of any of the commissioners of forfeitures within this state, or hath not been paid into the treasury of this state, shall be, and the same is hereby declared to be vested in Mary Heathcote Muirson, the daughter of the said George Muirson. And that it shall be lawful for the said Mary, in her own name,

And that she may,  
in her own name, recover the same.

and to her own use, to sue for and recover the same in any court of law or equity within this state. Provided, That this act shall not extend to any debts or demands remitted by the sixth section of the act, entitled, "An act relating to the forfeited estates." Provided also, That this act shall not extend to any real estate sold by the said George Muirson, or any of his sons.

END OF VOLUME II.





# I N D E X

## TO THE SECOND VOLUME OF THE LAWS OF NEW-YORK.

### ABATEMENT.

NO plea in abatement to be admitted in suits for partition,	Page 15.
Action not to abate by death of either party after interlocutory judgment,	106, 107
Suits, where there are two or more plaintiffs or defendants, not to abate by the death of one of them,	107, 108, 109
Truth of pleas in abatement to be proved,	115

### ABJURATION,

Oath of,	45
----------	----

### ACADEMIES,

Donations to them by the state,	480
---------------------------------	-----

### ACCESSARIES,

Manner of proceeding where the fact is done in one county, and any person is accessary in another,	76, 77
Buyers and receivers of stolen goods deemed accessaries after the fact,	77
May be proceeded against, although principal be pardoned,	77, 78

### ACCOUNT, actions of,

Manner of proceeding therein,	4, 5
By one joint tenant or tenant in common against another,	5
Auditors therein may examine parties and witnesses on oath,	ibid.

### ADMINISTRATION,

Proofs required on granting it,	421
---------------------------------	-----

### ADMINISTRATORS,

To give bonds on obtaining letters with wills annexed,	42
Scire facias lies for or against them on interlocutory judgment,	106, 107
Their acts before notice of a will to stand good,	217
How they may become petitioners for insolvent debtors,	220
In what cases to account and pay to the state,	422, 423

### AFFIDAVITS.

Commissioners how to be appointed to take affidavits to be read in the supreme court,	112
---	-----

### ALBANY, city of,

Aldermen not to try causes by virtue of ten pound act,	346
Assessors when and how to be chosen,	167
Bank incorporated,	466 to 470
Buckets to be used at fires, how to be provided,	189

Buildings how regulated,	Page 396
Circuit courts where to be held,	220
Collectors when and how to be chosen,	167
Constables when and how to be chosen,	ibid.
Court-house, money raised to build one,	441, 492
Court (mayor's) judgments not to be taken by confession out of court,	112
To hold plea only of actions arising within its jurisdiction,	226
May adjourn for six weeks,	ibid
In what cases to issue a commission to examine witnesses,	261, 262
Witnesses to attend, although subpoenaed out of the jurisdiction of the court,	262, 263
Docks, obstructions to them how prevented,	379
Fences, common council to make rules concerning them,	173
Firemen, how to be appointed and their duty,	188, 189, 380
Fires, act for better extinguishing them,	188, 189
Gaol lately erected, to be the gaol of the city and county,	380
Use of spirituous liquors therein restrained,	365
House, part of one granted to the corporation,	195
Library, members thereof incorporated,	390, 395
Poor, how to be supported,	142
Overseers thereof to deliver accounts to the common council,	143
Overseers thereof, when and how to be chosen,	167
Pounds, keepers thereof how appointed,	173
Slips, how regulated,	399
Sole leather to be inspected,	321, 322
Streets, how to be regulated and paved,	296, 297, 399
Supervisors, when and how to be chosen,	167
Tax for paying watchmen,	295
Watchmen how to be paid,	ibid.
Wharves, obstructions to them prevented,	379
How regulated,	399
A L B A N Y, county of,	
Bounds thereof,	148, 149, 337
Circuit courts therein, where to be held,	220
Court-house, money raised to build one,	441, 442
Gaol, lately erected, to be gaol of the city and county,	380
Use of spirituous liquors therein restrained,	365
Losses of money loaned by loan office, how to be borne,	[272, 273, 366, 367, 481
Salary of loan officers increased,	480
Sheriff to remove prisoners to the new gaol,	880
Towns, and houses, and bounds thereof,	161, 163, 214, 215, 289 299, 357
A L D E R M E N.	
See Albany. Hudson. New-York. Justices of the peace.	
A L I E N S.	
Titles to lands in what cases not to be defeated by the plea of alienism,	280, 281
Certain of them empowered to purchase and hold lands,	318, 319, 371, 455
A M E N D M E N T S.	
Mistakes in records and process, how and when to be amended,	54 to 58
A N I M A L S.	
Provision for destroying noxious wild animals, how to be made,	171

## A P P E A L S,

Procurers thereof by malice, if false, how to be punished, Page 39

## APPRENTICES and SERVANTS,

Penalty on masters compelling them to give bonds not to exercise their trades, and such bonds to be void, 26, 27

Infants may be bound to serve until the age of twenty-one, 27

No Indian child to be bound without consent of a justice, ibid.

Poor children how be bound, 27, 28, 143

May be committed to the house of correction for not doing their duty, 28

Their age to be mentioned in their indentures, ibid.

Money given with a clerk or apprentice to be inserted in indentures, ibid.

Their indentures, if not made according to this act, void as to them, ibid.

Their contracts not void for want of being indented only, 28, 29

How to be relieved in case of Misusage, 29, 30

How to be punished in case of misconduct, ibid.

Absenting themselves shall serve double the time, 30, 31

In what cases offenders to be placed out as servants, 53

## A R B I T R A T I O N,

Differences, how determined thereby, 351, 352

## A R M Y.

Lands set apart for the army, how to be laid out and granted, 281 to 286,

[332 to 335]

## A R S O N,

How to be punished. See Felony, 74, 219

Body of offender convicted thereof may be delivered to a surgeon for dissection, 219

## A S S E M B L Y,

Clerk, door-keeper, and serjeant at arms, their pay, 474

Members to take an oath, 45, 46

When and how they may be sued, 59

Number in each county, 338, 339, 345

Their pay, 474

## A S S E S S O R S,

When and how to be chosen, 166, 167

To take an oath, 168

Their neglect to take the oath deemed a refusal to serve, 169

Penalty for refusing to serve, ibid.

Their duty in making assessments, 174, 175

Penalty for neglect of duty, ibid.

In what cases not to tax sheep, 231

Their duty respecting the tax on dogs, 230, 231

## A T T A I N T S on untrue verdicts,

Law concerning them abolished, 116

## A T T O R N E Y G E N E R A L,

In what cases not to exhibit information without security, 19, 20

In what cases to exhibit informations in nature of a quo warranto, 24

To prosecute town-officers for certain penalties, 170

To advise surveyor-general in certain cases, 201

To bring suits for debts due to the state, 331

To prosecute delinquent officers respecting taxes,	<i>Page</i> 392
In what cases to prosecute administrators,	422, 423
How to proceed in cases of escheat and forfeiture,	423 to 425
His salary established,	471
A T T O R N E I S,	
To produce and file their warrants on confessing judgment,	112
A T T O R N M E N T,	
Of tenants to strangers void,	72
Grants and conveyances good without it,	115
A U C T I O N. See Vendues.	
A U D I T O R,	
To do the duty assigned to the treasurer respecting quit-rents,	84
Acts for appointing an auditor continued,	84, 398
To settle the accounts between this state and the United States,	212
To notify attorney general of debts due to the state,	331
A V O W R Y,	
In replevin, how and when to be made,	8, 9

## B A I L.

BAIL on bringing error, how and in what cases to be given,	3, 4
Bail bond, may be assigned to the plaintiff,	106
Felony for any person to acknowledge bail in the name of another,	49
Bail in the supreme court, how and before whom to be taken,	112, 113
Required in actions of trespass on lands,	114

## B A N K,

Of New-York, incorporated,	360, 364
Shares increased,	377
Of Albany, incorporated,	466, 470

## B A K E R, T H O M A S,

Certain lands allotted to him and Samuel Bixby,	199
---	-----

## B A P T I S T S,

Certain of them relieved as to taking an oath,	418
--	-----

## B A S T A R D S,

How to be maintained, and the place where born relieved,	32
Reputed fathers to give security or be committed,	32, 33
In what cases and how reputed fathers may be discharged,	33
Mothers not to be examined until a month after delivery,	ibid.
Estates of father and mother may be seized for their support,	33, 34
Where they shall be settled,	184

## B E E F and P O R K,

Repacking thereof regulated,	124, 128, 313, 314
Repackers thereof how to be appointed,	125
Inspectors thereof to provide stores,	ibid.
Size and description of casks in which it may be repacked,	125, 314, 418
How to be sorted, and casks to be marked,	125
Repackers thereof to take an oath,	126
When it shall be pickled,	ibid.

Not to be repacked in the street,	Page 126
Allowance to the repackers thereof,	ibid.
Penalty on the repackers thereof for neglect,	ibid.
Penalty for mixing or shifting it,	ibid.
Penalty on repackers thereof for offences,	127
Penalty for exporting it without repacking,	127
Inspectors not to inspect out of their counties,	ibid.
No person, not an inspector, to brand any cask,	ibid.
Name of shipper thereof to be branded on the cask,	ibid.
Penalties how to be recovered and applied,	128

**B I L L, E L I J A H,**

Land to be granted to him,	286
----------------------------	-----

**B I L L S of C R E D I T,**

Counterfeiting them felony, and punishable with death,	42, 74
To be issued as a substitute for those heretofore emitted,	48
To be exchanged for those before emitted,	49
To pass and be received as the former bills,	ibid.
Those received in exchange to be destroyed,	49, 50
Those paid to the treasurer by the loan-officers to be destroyed,	50
Allowance for signing and numbering them,	51
Certain bills of credit and certificates to be cancelled,	263, 264

**B I L L S of E X C H A N G E,**

Forging, counterfeiting or altering thereof, or any indorsement, assignment, or acceptance thereof, declared to be felony,	41
Stealing them declared to be felony,	77

**B I R D S.**

Provision for destroying crows, blacks-birds, and other noxious wild birds, how to be made,	171
---	-----

**B I S C U I T,**

How to be marked,	132
Cask containing it how to be marked,	ibid.
Penalty for selling or shipping it for exportation, if not so marked,	ibid.

**B L E E C K E R, J O H N L**

Land to be granted to him,	269
----------------------------	-----

**B L O O D.**

Not corrupted by attainder of treason or felony,	76
--	----

**B O A R D S. See Lumber.**

**B O N D S,**

Forging, counterfeiting or altering them, or any writing obligatory, declared to be felony,	41
Stealing them declared to be felony,	77
Sum due thereon, and not the penalty, to be considered as the debt,	103
Payment may be pleaded in actions thereon,	104
Money due thereon may be brought into court,	105
Sums due on those with any condition, other than for the payment of money, how to be ascertained,	105, 106
Judgment not to be confessed by a warrant contained therein,	111

**B R I D E W E L L.**

Disorderly persons may be committed to bridewell,	52, 53
Where there is no house of correction, the gaol to be considered as such,	53

BUGGERY,	
Punishable with death,	Page 73
BURGLARY,	
How to be punished. See Felony,	73, 219
Body of offender convicted thereof, may be delivered to a surgeon for dissection,	219

## C A S K S,

FOR flax-need, size thereof, and how to be made,	113
For beef and pork, size thereof, and how to be made,	125, 314, 418
Containing Indian-meal, size thereof, and how to be made,	131

## C A T T L E. See Strays.

## C E R T I F I C A T E S. See Public Securities.

## C E R T I O R A R I,

To general sessions to be delivered in open court,	4
How to be sued out and granted,	1, 2
Not to be allowed without sureties to prosecute,	1, 2, 3
To be signed by a justice of the supreme court,	3, 7, 8
To remove plaints and proceedings in replevin,	6
Not to be granted to remove proceedings concerning apprentices and servants, until determination by the court of general sessions,	31

## C H A M P E R T Y,

How to be prevented and punished,	38, 39
Who are to be called champertors,	38

## C H A N C E L L O R,

His salary established,	472
Not to take any fees,	473

## C H A N C E R Y. See Court of Chancery.

## C H A R D, B A S S,

And others relieved,	477
----------------------	-----

## C H A R T E R,

Forging, counterfeiting or altering a charter, declared to be felony,	41
Of New-York society library, doubts concerning it removed,	260, 261
Of incorporation for relief of widows and children of clergymen, altered,	322, 323

## C H E M U N G,

Locations therein, when and how to be surveyed,	198
Erected into a town and the bounds thereof,	214
Land therein, how and to whom to be granted,	277, 279, 370, 480

## C H U R C H,

St. Peter's Albany, name and incorporation thereof, altered,	291
At New Utrecht, corporation thereof to sell certain lands,	384
At Yonkers, church and lands vested in the corporation thereof,	444
At Poughkeepsie, name of corporation altered,	446

## C H U R C H, T I M O T H Y,

Expence incurred by him and others in surveying certain lands, how to be ascertained and paid,	198
--	-----



## CLERGY,

Benefit thereof in criminal cases abolished, *Page* 73

## CLERKS of cities and counties,

Form of oath of office to be taken by them, 47

Their duty respecting mortgages, 99, 101

## CLERKS of COURTS,

Form of oath of office to be taken by them, 47

To certify convictions into the exchequer, 74, 75

## CLINTON COUNTY,

Bounds thereof, 150

Courts of sessions and common pleas, when and where to be held, 151, 353

Gaol, a block house at Plattsborough, to be deemed such, 287

Members of assembly, how to be chosen until census is taken, 151, 339

Sheriff may commit prisoners to the gaol of Albany, 287

Towns therein and names and bounds thereof, 164

## COCKLEY, JOHN,

Land to be granted to him, 370

## COIN.

Declared to be felony to counterfeit any current gold or silver coin, 42

## COLLECTORS,

When and how to be chosen, 166, 167

Penalty for refusing to serve, 169

How to levy, collect and pay taxes, 176, 179

Their allowance for collecting, 177

Their duty respecting the tax, on dogs, 228, 231

## COLLEGE of physicians and surgeons,

How to be established, 371, 372

## COLUMBIA COLLEGE,

Donations to it by the state, 479, 480

## COLUMBIA, county of,

Bounds thereof, 150

Bridges in Livingston and Clermont, how to be erected and maintained, 264

Courts of sessions and common pleas, when to be held, 311, 352, 353

Losses of money loaned by loan office, how to be borne, 273, 366, 367, 481

School in Clermont, how supported, 367, 368

Supervisors and judges duty concerning old loan office, 481

Taxes receivable in public securities, how to be collected, 272, 273, 456

Title of the state to lands in Canaan, granted to the possessors, 370

Towns therein and names and bounds thereof, 160, 161

## COMMISSIONERS of FORFEITURES,

Their office to cease 1st September, 1788. See Surveyor-General, 200

To deliver papers relating to forfeited estates to surveyor-general, *ibid.*

## COMMITMENT,

Offenders in what cases to pay charges thereof, 79, 80

Charges thereof how to be paid, *ibid.*

## CONSTABLES,

Their allowance for transporting strangers, 136

When and how to be chosen, 166, 167

To take an oath,	Page 169
Their neglect to take the oath deemed a refusal to serve,	ibid.
Penalty for refusing to serve,	ibid.

## CONVEYANCES,

Made by fraud or for maintenance, void,	40
How to be acknowledged or proved in order to be recorded,	99, 452
Good without attornment,	115
By married women, act concerning them,	452

## COOK, LUIS,

Land to be granted to him,	286
----------------------------	-----

## CORONERS,

Form of oath of office to be taken by them,	46, 47
---	--------

## CORPORATIONS, Religious,

Act relating to them, altered as to Dutch congregations,	133
Reformed protestant Dutch congregations how to be incorporated,	ibid.
Name of corporation of Trinity church, in the city of New-York, ascertained,	180, 181
Name of corporation of St. Peter's church, in the city of Albany, altered,	291
Name of corporation of Episcopal church, at Poughkeepsie, altered,	446

## COSTS.

Where plaintiff shall have costs if he does not recover above ten pounds,	263
On writs of certiorari how recovered,	2, 3
On trial of traverse in forcible entry and detainer,	12
Against informers,	19, 20
On writs of mandamus,	24
On informations in nature of a quo warranto,	25
On appeals concerning apprentices and servants,	31
To defendants, if sued for executing the act concerning bastards,	34
On appeals concerning the poor,	140, 141
In suits for legacies,	216
In cases of double pleas,	261

## COUNTERFEITING,

Public securities or bills of credit, declared to be felony, and punishable with death,	41, 42
Current gold or silver coin, declared to be felony, and punishable with death,	42

## COUNTY CHARGE,

How to be ascertained and raised,	174 to 180
-----------------------------------	------------

## COUNTY CLERKS,

Form of oath of office to be taken by them,	47
Their duty respecting mortgages,	99 to 101

## COUNTY TREASURERS,

How and by whom appointed,	177
Their duty,	177, 180
How to proceed against collectors in case of their neglect,	177
Their allowance,	178
To give security,	ibid.
To deliver books and papers to their successors in office, on oath,	179
Forfeiture for not delivering books and papers to successor,	ibid.
When to pay taxes to state treasurer,	179, 180

## COURT of CHANCERY,

Suits therein in what cases and how far to abate by death,	Page 108, 109
How persons becoming interested in suits by death of others may be made parties,	108
No process to issue for appearance, except in case of bills for injunctions, until bill filed,	109
Injunction not to be granted or issued until bill filed,	109
How to proceed if defendant does not appear,	109 to 111
Clerk to be appointed to enter appearance for defendant, if he refuses to do it upon being brought into court,	111
Decrees and dismissals not to be enrolled,	259
Additional seal to be provided,	331

## COURTS of COMMON PLEAS,

Judgments not to be taken by confession out of court,	112
In what cases to issue commissions to examine witnesses,	261, 262
Witnesses to attend, although subpoenaed out of the county,	262 to 263
Duty of judges respecting loan-offices,	400, 404, 405, 407, 408, 481

## COURTS of OYER and TERMINER and

## GAOL DELIVERY,

When and by whom to be held,	81 to 84
No suit or process to be discontinued by appointment of new commissioners,	83
Court of oyer and terminer may send their process into any county,	ibid.
Justices of gaol delivery may give judgment against persons convicted before others,	84
Their records and process to be sent to the exchequer,	ibid.
The justices to suffer no person to sit on the bench with them,	ibid.
Doubts concerning commissioners thereof removed,	378, 379

## COURTS of GENERAL SESSIONS,

May discharge apprentices and servants,	29, 30
To hear and determine disputes between apprentices and servants and their masters, on appeal,	31
Their power concerning bastards,	32
May order disorderly persons to be corrected,	52, 53
May place out disorderly persons as servants or apprentices,	53
To hear and determine appeals concerning the poor,	139 to 141
Their power,	315, 316

## C R O W S,

Provision for destroying them how to be made,	171
---	-----

## CUMBERLAND COUNTY,

Bounds thereof,	150
-----------------	-----

## CURSING,

How to be punished,	90
Penalties how to be levied and applied,	91, 92
Form of conviction thereof,	ibid.
Charges of conviction how to be paid,	92

## D A M A G E S,

IN forcible entries and detainers,	12
May be recovered on writs of mandamus,	24

Of persons indicted or appealed out of their county and acquitted, *Page* 39  
 On bonds with special conditions how to be ascertained, 105, 106  
 By beasts impounded, how to be ascertained and paid, 173

## D E A D,

Penalty for digging them up for the purpose of dissection, 219

## D E A T H,

Cestui que Vie being absent seven years, to be deemed dead, 20, 21  
 In what cases court of chancery to order infants and others, on whose  
   life estates depend, to be produced, 21, 22  
 Such persons, not being so produced, to be taken to be dead, 22  
 Persons evicted to re-enter and recover damages on proof that such  
   person is living, 21 to 23  
 Persons having estates during the infancy or life of others, continuing  
   in possession after the determination thereof, deemed trespassers, 23  
 Death of either party after interlocutory judgment not to abate the suit, 106  
 Where there are two or more plaintiffs or defendants, suit not to abate  
   by the death of one, 107  
 Death of either party between verdict and judgment no error, *ibid.*

## D E B T O R S,

In what cases and how to be relieved from imprisonment, 231, 241  
 In what cases not to be imprisoned above thirty days, 231, 232, 318  
 Their estate liable, although discharged from imprisonment, 239  
 In execution for sums not exceeding 200l. how to be relieved, 233 to 241  
 For sums not exceeding 1000 l. how relieved, 356

## D E B T O R S, insolvent,

How to be relieved and discharged on petition of their creditors, 204 to 212  
 Creditors purchasing debts to be petitioners only for sums paid, 204  
   Having securities not to petition without giving them up, *ibid.*  
   To annex an affidavit to their petition, 204, 205  
   How to proceed when they petition by attorney, 205  
   How to proceed if insolvent does not petition, 207, 208, 241  
   Penalty for swearing false as to sum due, 209  
 To deliver an account of their creditors and estates on oath, 204, 205  
 To publish an advertisement, requiring creditors to shew cause, &c. 206  
 How any person may be examined concerning their estates, 206 to 209  
 To be discharged on producing certificate from assignees, 207  
 May plead the general issue if sued after their discharge, 208  
 If found guilty of perjury or fraud, their discharge to be void, 208, 209  
 Penalty on any person concealing their estate, 209  
 How to proceed where they have become bail, 209, 210  
 Dividends of their estates when and how to be made, 210 to 212  
 Their allowance where the estate pays 14s. in the pound, 212  
 Assignees of their estates how to be appointed, 206  
   Their power and duty, 210 to 212

## D E B T S,

Interest thereof in certain cases discharged, 290  
 In certain cases to be paid by instalments, 290, 291  
 Mutual, may be set off against each other, 102, 103, 240  
 Due to forfeited estates how to be paid and recovered, 201, 202  
 Due from forfeited estates how to be paid, 202, 203

## D E E D S,

Forging, counterfeiting or altering them, or any writing sealed, felony, <i>Page</i>	41
Acknowledging them in the name of another, declared to be felony,	43
How to be acknowledged or proved, in order to be recorded,	99
May be acknowledged or proved before a judge of the United States,	452

## D E E R,

Penalty for killing them at certain seasons,	193, 194
Not to be hunted with blood-hounds or beagles, except in Suffolk - county,	ibid.

## D E L E G A T E S to C O N G R E S S,

To take an oath,	45
------------------	----

## D E N N I N G W I L L I A M,

To assist the auditor in settling the accounts of this state with the United States,	213
His duty and salary,	ibid.

## D I S O R D E R L Y P E R S O N S.

Who shall be adjudged such, and how punished,	52, 53
Expence of conveying them to place where they belong, how paid,	54

## D I S T R E S S,

Of beasts not to be driven out of the county,	8
Not to be impounded in different places,	ibid.
If found insufficient in replevin, party may distrain again,	9, 10
To be reasonable,	64
Not to be taken wrongfully, or in the highway, nor driven out of the county,	ibid.
What shall not be distrained while there are other chattels,	ibid.
Beasts distrained to be put in open pound,	ibid.
For rent, how to be appraised and sold,	ibid.
What may be distrained for rent,	64, 65
May be impounded, or secured and sold on the premises,	65
When to be taken for rent after the term ended,	68
By executors or administrators of tenants in fee or for life,	ibid.
By husbands after the death of their wives,	68, 69
By persons entitled for the life of others,	69
Beasts distrained doing damage, how to be used and disposed of,	173, 174

## D I S T R I B U T I O N of I N T E S T A T E S E S T A T E S,

Persons entitled may sue for their shares in any court of record,	117
---	-----

## D I S T R I C T S,

State divided into four,	338
--------------------------	-----

## D O G S,

Tax laid on them,	228
Who to be deemed owners thereof,	229
Damages done by them to sheep how to be ascertained and paid,	229, 230
Owners thereof to pay for sheep killed by them,	230
In what cases to be killed,	231
Penalty on owners in such cases for not killing them,	231
Surplus of tax how to be disposed of,	230
Suits may be tried by a jury of six freeholders,	231

## D O U G L A S, W H E E L E R,

Land to be granted to him,	454, 455
Vol. II.	

## F E R R Y,

Between the city of New-York and Nassau-Island regulated,	Page 273 to 277
Rates of ferriage,	278 to 275
Penalty for refusing to pay ferriage,	276
Penalty for demanding more than lawful ferriage,	ibid.
Ferry-men to hang up a table of the rates of ferriage,	ibid.
To have one boat always ready on each side of the river,	ibid.
Penalty on them for neglect,	ibid.
Penalties how to be recovered and applied,	277

## F I N E S of L A N D,

Felony in any person to levy them in the name of another,	43
---	----

## F L A X - S E E D,

Exportation thereof regulated,	122, 123
--------------------------------	----------

## F L O U R,

Act to prevent exportation of unmerchantable flour, extended to rye and buckwheat flour,	130
Cask containing rye and buckwheat flour, how to be marked,	ibid.
Indian meal not to be exported without being inspected,	131
Cask containing Indian meal how to be marked,	ibid.
Allowance for inspection,	ibid.
Penalty for mixing uninspected with inspected flour or meal,	ibid.
Wheat flour to be packed in new casks,	ibid.
Word <i>had</i> to be marked on every cask of condemned flour or meal,	ibid.
Cask containing middlings how to be marked,	ibid.
Penalties how to be recovered and applied,	132
Manufactured in other states,	814, 315

## F O R C I B L E E N T R I E S and D E T A I N E R S,

How to be prevented,	10 to 12
Duty of justices of the peace concerning them,	ibid.
No restitution if party indicted has been possessed three years,	12

## F O R G E R Y,

To be deemed felony, and punishable with death,	41, 42
---	--------

## F O X E S,

Provision for destroying them how to be made,	171
---	-----

## F R A U D S,

How prevented,	40
----------------	----

## F R I S B E E, P H I L I P,

Land to be granted to him and others,	199
---------------------------------------	-----

## G A M I N G.

EXCESSIVE and deceitful gaming, how prevented,	60, 61
Securities for monies won by gaming void,	ibid.
Persons losing to the value of 10l. may recover it back,	61
Persons liable to suits obliged to answer bills of discovery,	62
Persons winning by fraud, how to be punished,	62, 63
Persons who support themselves by gaming may be bound to their good behaviour,	63
No gaming to be permitted in any inn or tavern,	118, 119

## GAOL DELIVERY. See Courts.

## GAOLS,

In what cases to be considered as houses of correction, Page 53

## GARNSEY, JOHN,

Land to be granted to him, 199

## GOVERNOR,

To take oaths, 46

To remove intruders on certain waste lands, 195

His salary established, 472

To pay annuities to Indians, 475

To remove white persons from Brother-Town, 484

## GRAND JURY,

Foreman thereof to administer oaths to witnesses, 116

## GRANTS,

Good without attornment, 115

## GUARDIANS,

Receiving profits after infants death, to be adjudged trespassers, 23

In what cases to give security, 217

## GUTHRIE, WILLIAM,

Land to be granted to him and others, 199

## HABEAS CORPUS,

To remove prisoners, how to be signed, 78

## HATCH, SAMUEL,

And others, relieved, 477

## HEADING. See Staves and Heading.

## HEMP,

Bounty thereon, and how to be ascertained and paid, 475, 476

## HERKIMER COUNTY,

Bounds thereof, 342, 343

Court-house and gaol how and where to be built, 345

Courts of sessions and common pleas, when and where to be held, 344

Supervisors and judges duty concerning old loan office, 481

Towns therein, and bounds thereof, 343, 459, 460

## HIGHWAYS. See Roads.

Commissioners thereof, when and how to be chosen, 166, 167

To take an oath, 168, 169

Not taking the oath deemed a refusal to serve, 169

Penalty for refusing to serve, ibid.

Their duty as to fires in the woods, 187, 188

Overseers thereof, when and how to be chosen, 166, 167

Penalty on overseers thereof for refusing to serve, 169

In Kings, Queens, and Suffolk counties, 222 to 226

In Richmond, 290 to 304

In Westchester, 385 to 390

In Montgomery, 415

<b>HOSPITAL in NEW-YORK,</b>	
Money to be paid to the treasurer thereof, out of the excise,	Page 118
How to be supported,	479
<b>HUDSON, city of,</b>	
Aqueducts therein regulated,	305 to 307
Assessors, when and how to be chosen,	167
Collectors, when and how to be chosen,	ibid.
Constables, when and how to be chosen,	ibid.
• Court (mayor's) judgments therein not to be taken by confession out of court,	112
To hold plea only of actions arising within the city,	226
May issue a commission to examine witnesses,	261, 262
Witnesses may be subpoenaed out of the jurisdiction,	262, 263
Revived,	353
Fences, common council may make rules concerning them,	173
Marshal, form of oath of office to be taken by him,	46, 47
Poor, common council to order monies to be raised to support them,	142
Overseers thereof to deliver accounts to common council,	143
Overseers thereof when and how to be chosen,	167
Pounds, keepers thereof how to be appointed,	173
Supervisor, when and how to be chosen,	167.
<b>HUDSON'S RIVER,</b>	
Navigation thereof, how improved,	312

## I D E O T S.

CHANCELLOR to have the care of them and their estates,	29
J E O F A I L S. See Amendments.	

## I M M O R A L I T Y,

Act for suppressing it,	29 to 92
-------------------------	----------

## I N D I A N S.

Penalty for making contracts for lands with Indians, without consent of the legislature,	194, 195
Certain lands confirmed to the New-England and Stockbridge Indians,	270
Not to be sued on their contracts,	312, 347
Empowered to choose trustees for certain purposes,	346, 347, 483, 484
Of Brother-Town and Stockbridge, acts for their relief,	346, 483
Shincock Indians to choose trustees,	395
Annuities to Six Nations how to be paid,	475
Corn and blankets given them,	478

## I N D I A N M E A L. See Flour.

## I N D I C T M E N T S,

The words "with force and arms" not necessary therein,	79
--	----

## I N F A N T S,

• Being trustees, to convey by direction of the court of chancery,	26
--	----

## I N F O R M A T I O N S,

In the supreme court, in what cases not to be filed without security,	19, 20
In nature of a quo warranto, in what cases, and how to be exhibited,	24, 25



## INFORMATIONS and SUITS on PENAL STATUTES.

By common informers, how to be commenced and prosecuted,	Page 16
In what cases the offence to be laid in the county where committed,	17
Defendants may plead the general issue,	ibid.
Process thereon to be as in actions of trespass with force,	ibid.
Citizens may appear by attorney without bail,	17, 18
In what cases trials may be at bar,	18
Recovery in a former action by covin, no plea to an action prosecuted with good faith,	ibid.
Defendant convicted of covin, how to be punished,	ibid.
Release of a common informer no bar,	ibid.
Informer or plaintiff not to compound without consent of the court,	19
Informer or plaintiff, in what cases to pay costs,	ibid.
Penalty on informers or plaintiffs for misconduct,	ibid.
This act not to extend to persons to whom a penalty is specially given,	ibid.

## INNS. See Taverns.

## INTESTATES.

See Administration. Administrators. Distribution. Femes Covert.

## JOINT DEBTORS,

Made answerable separately,	111
How to proceed against them,	111, 159

## JOINT TENANTS,

Compellable by writ to make partition,	14
Judges of the supreme court, their salaries established,	472
To take no fees,	473

## JUDGMENTS,

Felony in any person to acknowledge them in the name of another,	43
Not to be reversed for rasures, interlineations, &c.	55
To be in English,	55, 56
In what cases not to be reversed for mispleading, want of form, or variance,	56, 57, 58
Form thereof in treason and felony,	74
Not to be taken by confession on any writing by virtue of a warrant contained therein,	111, 112

## JUSTICE,

Act for the better advancement thereof,	102 to 116
---	------------

## JUSTICES of the P E A C E,

Their duty in case of forcible entries and detainers,	10 to 12
Their duty on executions in partition,	15
Their duty respecting apprentices and servants,	27 to 31
Their duty respecting bastard children,	32, 33
May bind persons who support themselves by gaming to their good behaviour,	63
To execute the act for suppressing immorality,	92
Their duty respecting the poor,	133, 148
Their duty as to strangers likely to become chargeable,	135
To order inhabitants to extinguish or stop fires in the woods,	187, 188

## KING'S COUNTY,

BOUNDS thereof,	149
Brooklyn, act for extinguishing fires therein,	190, 191

Brooklyn, inhabitants may carry their goods across the East-River, <i>Page</i>	276
Carriages meeting, which of them to give way to the other,	226
Highways, how to be cleared, regulated and laid out,	222, to 226
Towns therein, and names and bounds thereof,	152, 153

## K I R K L A N D, S A M U E L,

Lands to be granted to him and his sons,	270
--	-----

## L A N D.

Measure of land ascertained,	32
Time for making grants in certain cases extended,	196
Locations on military certificates, when to be made,	197
Patents within what time to be sued out,	198
To be granted to William Guthrie and others,	199
What certificates not to be received for lands,	200
Twenty townships to be laid out and sold,	265, 266
To be granted to Peter Penet and others,	269
Confirmed to certain Indians,	270
To be disposed of for making roads,	270, 271
Titles in what cases not to be defeated by alienism,	280, 281
Set apart for the army, how to be laid out and granted,	281, 286
Locations on class rights, where and when to be made,	285
To be granted to Elijah Bill and Luis Cook,	286
How to be sold,	368, to 370
To be granted to several persons,	370, 454, 455, 477, 478

## L A N D L O R D S,

When and how to be admitted defendants in ejectment,	73
--	----

## L A N D- O F F I C E,

Powers of commissioners thereof extended to certain cases,	196, to 200
How to determine disputes between locators and persons claiming by possession,	197, 285, 286
To ascertain expence of Church and others in surveying certain lands,	198
To direct Nutten-Island to be laid out into lots and sold,	199
To fix the price of land directed to be sold, and cause the same to be advertised,	266
May lower the price of land directed to be sold, if fixed too high,	267
When to direct letters patent to issue to purchasers,	268, 269
Fees of the commissioners,	269, 284
Not to sell land by virtue of former act,	269
To dispose of land for making roads,	270, 271
How to grant lands in Chemung,	278, 370, 480
Duty of commissioners respecting lands set apart for the army,	281, 286, [332, 335]
To examine claims of Johannis Lieb and his associates,	285
How to sell lands,	368, to 370
To grant lands to certain persons,	454, 455, 478
To direct the bounds of Brothertown to be run out,	485

## L A N S I N G B U R G H,

Trustees appointed to hold lands therein,	323, to 325
---	-------------

## L A W,

Concerning the benefit of clergy in criminal cases abolished,	Page 73
Relative to Peine fort et dure abolished,	74
Acts for the amendment thereof,	102 to 116, 261 to 263
Concerning attaints on untrue verdicts abolished,	116
Statutes of England and of Great-Britain not law in this state,	ibid.

## L E G A C I E S,

May be recovered in any court of record,	215
How to proceed for the recovery thereof,	215 to 217

## L E G A T E E S,

To give security to refund,	216
-----------------------------	-----

## L E G I S L A T U R E,

Privilege of members thereof as to suits,	59, 60
Representation therein apportioned,	337 to 339, 345

## L I E U T E N A N T G O V E R N O R,

To take baths,	46
----------------	----

## L I M I T A T I O N,

Of suits of the state,	93, 94
Of real actions,	94, 95
Of entries into lands,	96
Of personal actions,	ibid.
Of actions and informations on penal statutes,	97, 98
Of criminal prosecutions,	98, 328

## L I T E R A T U R E,

Acts for encouragement thereof,	316, 479
---------------------------------	----------

## L I V I N G S T O N, P H I L I P,

Act concerning trustees of his estate,	399
--	-----

## L I V I N G S T O N, R O B E R T,

Partition of Lands devised to his daughters confirmed,	451, 452
--	----------

## L O C A T I O N S,

On military certificates, when to be made,	197, 198
On class rights, where and when to be made,	285

## L O A N - O F F I C E R S,

New, how and by whom to be chosen,	400
Not to sell mortgaged premises, if monies due are paid before sale,	51
To pay the principal they receive to the treasurer,	30, 204
Further directions in case of default of payment,	365, 366
New loan-office erected,	400 to 414

## L O T, A B R A H A M,

Relieved,	441
-----------	-----

## L O U N S B E R R Y, E D W A R D,

Lands to be granted to him,	455
-----------------------------	-----

## L U M B E R,

Exportation thereof regulated,	123, 124, 315
Inspectors thereof how to be appointed, and their duty,	123, 124, 315

## L U N A T I C S,

Chancellor to have the care of them and their estates,	56
Their estates to be restored to them on their recovery,	ibid.
Justices may order them to be confined,	53, 54
Vol. II.	S s s

<b>M</b>	
MAIMING, MALICIOUS,	
IN what cases declared to be felony, and punishable with death,	Page 45
MAINTENANCE of SUITS,	
How to be prevented and punished,	38 to 40
MANDAMUS,	
When to be returned, and proceedings thereon,	24
Party may recover damages thereon,	ibid.
Parties to have time to make return and plead,	25
MANUFACTURING SOCIETY,	
Incorporated,	309 to 311
MANUFACTURE,	
Of earthen ware encouraged,	329
MARRYING,	
In the life-time of a former wife or husband, declared to be felony,	44
MAYOR S.	
See Albany. Hudson. New-York. Justices of the Peace.	
MEASURERS,	
Their allowance for measuring,	132
MCHANICS,	
In the city of New-York, incorporated,	414 to 418
MILE STONES,	
Penalty for removing, breaking, or defacing them,	195, 196
MILITIA,	
Officers duty as to fires in the woods,	187, 188
To what persons exemptions shall not extend,	214
MINES,	
Of gold and silver reserved to the state,	268, 285, 369
Discoverers of gold or silver mines to have them for 21 years,	227
To give notice thereof to the secretary previous to working,	ibid.
To be preferred in claims for working,	ibid.
No person to dig or break up any ground without consent of the owner,	ibid.
What mines belong to the owners of the soil,	ibid.
MONEY.	
Belonging to the state, to be loaned,	400 to 414
MONTGOMERIE, RICHARD,	
His heirs or devisees, although aliens, may sell and convey to any citizen the land to which he was entitled to at the time of his death,	281
MONTGOMERY COUNTY,	
Bounds thereof,	150, 342
Highways, certain of them, how repaired,	418
Losses of money loaned by the loan-office, how to be borne,	366, 367, 481
Parts of it erected into new counties,	221, 341, 343
Salary of loan officers increased,	481
Towns therein, and names and bounds thereof,	164, 165, 343
MONUMENTS for DIRECTION of TRAVELLERS,	
Penalty for removing, breaking, or defacing them,	195, 196
MORTGAGES,	
To be registered, and the first registered to have priority,	100

How to be proved or acknowledged,	Page 100
To have priority according to the time of the registry thereof,	100, 101
When redeemed, how the registry thereof is to be discharged,	101
With power of sale how to operate,	101, 102
Not to defeat title of bona fide purchasers, unless registered,	102
<b>MUIRSON, MARY HEATHCOTE,</b>	
Relieved,	485
<b>MULBERRY TREES,</b>	
Bounty on raising them,	376
<b>MURDER,</b>	
To be punished with death,	7, 13
Manner of proceeding when a person stricken or poisoned in one county dies in another county,	76
Bodies of persons guilty thereof may be delivered to a surgeon for dissection,	219
<b>MUTUAL DEALINGS,</b>	
In what cases and how mutual demands may be set off against each other,	102, 103, 240, 355

## N A S S A U I S L A N D.

FERRIAGE between Nassau-Island and the city of New-York regulated,	273 to 277
<b>NATURALIZATION.</b>	
Act for naturalizing certain persons,	279, 280
<b>NAVIGATION, INLAND,</b>	
Estimate to be made of expence of making certain canals,	375
Companies established for opening them,	427 to 441
<b>NEW-YORK, city of,</b>	
Aldermen not to try causes by virtue of ten pound act,	346
Assessors, their duty,	181, 182
Bank incorporated,	360 to 364
Battery, lands there, how secured and improved,	307, 308
Buildings regulated,	372, 373, 378
Chamberlain, his duty respecting taxes,	181 to 186
To publish a state of monies received and paid yearly,	182
Circuit courts where to be held,	220
Collectors, how to collect, levy and pay taxes,	183, 184
Their allowance,	184
Court mayors, no judgment to be taken by confession out of court,	112
In what cases to issue commissions to examine witnesses,	261, 262
Witnesses to attend, although subpoenaed out of the jurisdiction of the court,	262, 263
Disorderly persons, how punished,	55, 228
Docks, obstructions thereon, how prevented,	154, 155
Excise on strong liquors, how laid, collected and applied,	116, 121, 309
Fences, common council to make rules concerning them,	173
Ferriage between the city and Nassau-Island, regulated,	273 to 277
Firemen, their number increased,	382
Frankfort street, how to be continued,	450, 451
Gaul, use of spirituous liquors therein restrained,	365
Gun powder, how and where to be stored,	191 to 193
Householders to give notice of their entertaining strangers,	135, 136, 140

Inns and taverns regulated,	Page 116, 121
Meadows, how to be filled in and raised,	447 to 450
Mechanics incorporated,	414 to 418
Physic, practice thereof regulated,	425, 426
Poor, money raised for supporting them,	883
Money raised for supporting them, how applied,	147, 187
Case on appeals concerning them to be specially stated,	139, 140
Commissioners to take care of them, how to be appointed,	147
Pounds, common council to appoint keepers thereof,	178
Roosevelt-street, how to be continued,	449, 450
Streets, Frankfort and Roosevelt, how to be continued,	449 to 451
Supervisors, their duty,	182 to 187
Taverns and inns regulated,	116 to 121
Taxes, how to be rated, assessed and levied,	181 to 187
Taxes for the support of the poor and other purposes,	383
Vessels, masters thereof to make report of persons brought into port,	146, 147
Wards altered,	349 to 354
Wharves, obstructions thereon, how prevented,	354 355
NEW-YORK, county of,	
Bounds thereof,	148
NEW-YORK, state of,	
Attainted and banished persons permitted to return to the state,	479
Creditors thereof, how relieved,	348, 349
Divided into counties,	148, 221, 337, 341, 343
Fort George, lands there, how secured and improved,	307, 308
Government house, how and where to be built,	308
N O N S U I T,	
In replevin of distress for rent, jury to enquire of arrears of rent and value of distress,	9
For not proceeding to trial,	107, 108
N U T T E N I S L A N D,	
How to be disposed of,	199, 217

## O A T H.

Of abjuration and allegiance,	45, 46
Of assessors	168
Of assignees of insolvent debtors,	211
Of clerks of courts,	47
Of commissioners of highways,	168, 169
Of constables,	469
Of coroners,	46, 47
Of cullers of slaves and heading,	129
Of governor or person administering the government,	46
Of insolvent debtors,	205, 234, 235
Of inspectors of lumber,	124
Of judicial officers,	46
Of marshal of Hudson,	46, 47
Of ministerial officers,	47
Of overseers of the poor,	169

Of president and members of court for correcting errors,	Page 46
Of referees,	104
Of registers of courts,	47
Of repackers of beef and pork,	126
Of the secretary of the state,	46
Of sheriffs,	46, 47
Of supervisors,	168
Of the treasurer,	836
Of town clerks,	168

## O F F I C E R S,

Civil and military, to take certain oaths,	45 to 48
Form of oath to be taken by judicial officers,	46
Form of oath to be taken by ministerial officers,	46, 47

## O F F I C E S,

Penalty for buying or selling offices,	34, 35
--	--------

## O N T A R I O, county of,

Bounds thereof,	220, 222, 341
Circuit courts therein, when to be held,	222, 456
Courts of sessions and common pleas, when and where to be held,	221
Court-house and gaol, money raised to build them,	456
Criminals may be committed to the gaol of Montgomery,	222
Elections therein, how to be held,	ibid.
Town officers, when and where to be chosen,	221

## O R A N G E C O U N T Y,

Bounds thereof,	149
Certain bridges and causeways, how to be made and repaired,	264, 265
Poor of Goshen, how to be supported,	166
Towns therein, and names and bounds thereof,	157, 158, 357, 358, 360

## O R D E R S and W A R R A N T S for money or goods,

Felony to forge, counterfeit, or alter them,	41
Felony to steal them,	77

## O T S E Q U E T T E, P E T E R,

Lands granted to trustees for his benefit,	356
--	-----

## O T S E G O, county of,

Bounds thereof,	342
Court-house and gaol, how and where to be built,	345
Courts of sessions and common pleas, when and where to be held,	344
Supervisors and judges duty concerning old loan-office,	481
Towns therein, and bounds thereof,	343, 457, 458

## O V E R S E E R S of the P O O R. See Poor.

When and how to be chosen,	166, 167
To register notices of strangers coming into their town,	134
Their duty respecting strangers likely to become chargeable,	135
To receive poor persons removed to their town,	137
In what cases to pay for supporting and removing poor persons,	138, 139
In what cases and how to seize estates of persons who run away,	141, 142
Their duty respecting relief to the poor,	142, 143
Their duty as to poor children bound by them,	143
How to provide houses for the accommodation of the poor,	143, 144

To deliver accounts to their successors,	Page 145
Their accounts when and by whom to be audited,	ibid.
To pay balance, and deliver books to their successors,	ibid.
To pay sums due to their predecessors,	ibid.
May bring suits against their predecessors,	145, 146
To take an oath,	168
Their neglect to take the oath deemed a refusal to serve,	169
Penalty for refusing to serve,	ibid.
How to proceed against collectors for their neglect,	179
In what cases to sue for money arising by sale of strays,	218
O Y E R and T E R M I N E R, See Courts.	

<b>P</b> A I N E, E D W A R D,	
MONEY to be paid to him for opening a certain road,	462
P A L M E R, G E O R G E,	
Proceedings against him stayed,	396
P A N T H E R S,	
Reward for destroying them in certain counties,	320
P A R T I T I O N,	
Of lands and tenements, may be made by writ,	13, 14
Not to affect any person but the parties and their representatives,	14
Manner of proceeding therein,	13 to 16
Of lands granted to Samuel Brown and others, confirmed,	287, 288
Act relating thereto amended,	340, 442, 443
Of lands devised by Robert Livingston to his daughters confirmed,	451, 452
P A R T N E R S,	
Debts due from them, how to be recovered,	111
Of those whose estates are forfeited, relieved,	203
P A U P E R S,	
How poor persons are to prosecute,	114
P E C K, G E O R G E,	
Relieved,	419
P E I N E fort et dure,	
The law relative thereto abolished,	74
P E L T O N S,	
Philip, Benjamin, and Daniel, relieved,	477
P E N E T, P E T E R,	
Land to be granted to him,	269
P E R A C H E, J O H N F R A N C I S,	
Land to be granted to him,	269
P E R J U R Y, and S U B O R N A T I O N of P E R J U R Y,	
How to be punished,	35 to 38
Indictments and informations thereof, when sufficient,	37
What courts may order witnesses to be prosecuted, and how,	37, 38
P E T R I E, C H R I S T I A N,	
Lands to be granted to him,	478



P H Y S I C and S U R G E R Y,

Practice thereof regulated,

Page 425, 426

P L A N K. See Lumber.

P L E A D I N G S,

To be in English,	55, 56
In case of mutual dealings,	102, 103
In debt on bonds or judgments, and in scire facias on judgments,	100, 105
In debt on bond for performance of covenants or agreements,	105, 106
In trespass, where the trespass is involuntary,	114, 115
Dilatory pleas not to be received without proof,	115
In suits brought by the treasurer,	213, 214
Double pleas, how and in what cases to be allowed,	261
In what cases the general issue may be pleaded with notice of the special matter,	261

P O O R.

Act for the settlement and relief of the poor,	133, 148
Every city and town to support their own poor,	134
Settlement by what means gained,	ibid.
Strangers to give notice of their coming into any city or town,	ibid.
When and how persons likely to become chargeable may be removed,	135
Penalty for entertaining strangers without giving notice thereof,	135, 136, 146
Charges of removal how to be raised and paid,	136
What is to be done with persons removed who return,	136, 137
Settlement not to be gained by removal,	137
Poor persons may go to and reside at any place on producing a certificate of their last settlement,	ibid.
Certificate person becoming chargeable to be sent back,	138
By what means a certificate person may gain a settlement,	ibid.
How charges of maintaining and removing a certificate person are to be ascertained and paid,	ibid.
What is to be done with poor becoming sick where they do not belong,	139
Persons aggrieved may appeal,	ibid.
Notice of appeal to be given to party to be affected thereby,	140
Costs and charges in what cases given, and how to be recovered,	140, 141
Parents to support their children and grand children,	141
Children to support their parents,	ibid.
Estates of persons absconding, may be seized for support of their wives and children,	141, 142
Inhabitants to determine what sum shall be raised for the poor,	142
Poor persons when and how to be relieved,	142, 143
Houses for accommodation of the poor, how to be provided,	143, 145
Penalty on masters of vessels landing strangers like to become chargeable,	146, 147

P O R K. See Beef and Pork.

P O T and P E A R L A S H E S,

How to be infected,	315
---------------------	-----

P O U N D S.

Where and how pounds are to be made and maintained,	173, 174
There shall be one sufficient pound in each city and town,	ibid.
Pound masters, when and how to be chosen,	166, 167
Penalty for refusing to serve,	170

Pound masters, how to dispose of beasts distrained for doing damage,	Page 173, 174
Their allowance,	173
<b>PRISON BREAKING,</b>	
Not felony, unless the prisoner is committed for felony,	45
<b>PRISONERS,</b>	
Time and manner of declaring against them,	113, 114
In execution, in what cases and how to be relieved,	231, 241, 356
Within what time to be charged in execution,	240
<b>PRIVILEGE.</b>	
Officers charged with a breach of trust not to have privilege,	60
Plaintiffs delayed by privilege not to be barred by limitation,	ibid.
<b>PROBATE S, court of,</b>	
To take bonds on granting administration, with will annexed,	421
Not to grant administration without proof,	ibid.
<b>PROCESS,</b>	
To be in English,	55, 56
In what cases not to be served on Sunday,	90
In what cases fifteen days between the test and return unnecessary,	107
<b>PROMISSORY NOTES,</b>	
Monies payable thereby made recoverable,	59
Forging, counterfeiting or altering them, or any indorsement or assignment thereof, declared to be felony,	41
Stealing them declared to be felony,	77
<b>PUBLIC OFFICERS,</b>	
May tender such certificates as they receive in payment for articles purchased or taken for public service,	461
<b>PUBLIC SECURITIES,</b>	
Counterfeiting them declared to be felony,	41
Stealing them declared to be felony,	77
Certain of them not receivable in payment for lands,	100
What kind of them receivable for forfeited estates,	201

## QUEEN'S COUNTY,

BOUNDS thereof,	149
Carriages meeting, which to give way to the other,	226
Courts of sessions and common pleas, when to be held,	311
Heath-hens and other game, how preserved,	341
Highways, how to be cleared, regulated and laid out,	222 to 226
Inhabitants of North and South-Hempstead have the right of oystering, fishing and clamming in each town,	166
Towns therein, and names and bounds thereof,	152
<b>QUIT-RENT S,</b>	
Further time given for the payment and commutation thereof,	375
<b>QUO WARRANTO,</b>	
Informations in nature thereof, how to be exhibited and prosecuted,	24, 25
Where several persons may be included in one information,	ibid.
How defendants are to appear and plead,	25

What judgment to be given therein,  
Court to allow parties time to plead,

Page 25  
ibid.

## R A P E,

TO be punished with death, 75

## R E C E I P T,

Felony to forge, counterfeit or alter any receipt, or acquittance for money, or goods, or the number or sum of any accountable receipt for any note, bill or other security for the payment of money, 47

## R E C O G N I Z A N C E S,

On allowing writs of certiorari, 1, 2, 3  
On allowing writs of error, 3, 4  
Felony in any person to acknowledge them in the name of another, 43

## R E C O R D E R,

See Albany, Hudson, New-York, Justices of the Peace.

## R E C O R D S,

To forge, counterfeit or alter them, declared to be felony, 43  
Stealing or avoiding them declared to be felony, ibid.  
To be written in English, 55, 56  
Building erected for their preservation, 873

## R E C O V E R I E S,

Felony in any person to suffer them in the name of another, 43

## R E F E R E N C E S,

Courts may refer causes that require examination of accounts, 103, 104  
Manner of proceeding therein, 104  
Differences how determined by arbitration, 351, 352

## R E G H T M I R E, J O H N,

Lands to be granted to him, 418

## R E G I S T E R S,

Form of oath to be taken by them, 47

## R E N S S E L A E R, county of,

Bounds thereof, 337  
Courts of sessions and common pleas, when and where to be held, 337, 338, 377  
Supervisors and judges duty concerning old loan-office, 481  
Towns therein divided, 356, 357, 462

## R E N T S,

Distress for rent may be appraised and sold, 64  
What may be distrained for rent, 64, 65  
Goods distrained may be impounded, secured and sold on the premises, 65  
Damages given for rescuing goods distrained, ibid.  
Goods taken in execution not to be removed without paying rent, 66  
Goods carried off may be seized for rent, 66, 67  
Penalty on tenants removing their goods to prevent distress, ibid.  
In what cases landlord may break open a house to seize goods, ibid.  
Debt may be brought for rent on leases for life, ibid.  
How to be recovered by executors or administrators of tenants in fee, or for life, 68  
Vol. II. T t t

Pound masters, how to dispose of beasts distrained for damage,

Their allowance,

### PRISON BREAKING.

Not felony, unless the prisoner is committed for felony,

### PRISONERS.

Time and manner of declaring against them,

In execution, in what cases and how to be relieved

Within what time to be charged in execution,

### PRIVILEGE.

Officers charged with a breach of trust not to

Plaintiffs delayed by privilege not to be barred

### PROBATES.

To take bonds on granting administration

Not to grant administration without proc

### PROC n law,

To be in English,

In what cases not to be served on Sum assment or fine,

In what cases fifteen days between t J T I O N,

### PROMISS

Monies payable thereby made rec ce made,

Forging, counterfeiting or alterir E R S I O N S,

signment thereof, declared to be time advantage and remedies that the

Stealing them declared to be fr

P U B I against grantees as they had against the

May tender such certificates

purchased or taken for M O N D C O U N T Y,

### P U B I

Counterfeiting them dec mon pleas, when to be held,

Stealing them declared el to build one,

Certain of them not re and repaired,

What kind of them and bounds thereof,

### R O A D S.

making certain roads,

for improving certain roads,

BOUNDS therec

Carriages meetin

Courts of session

Heath-hens and

Highways, he

Inhabitants of

ing, fishin

Towns the

R U M S E Y, J A M E S,

making and using certain mechanical improvements

for a limited time,

### S A L A R I E S,

of government, established,

S A R A T O G A, county of,

Further tin

Informa

Where

How d

and common pleas, when and where to be

duty concerning old loan-office,

and divided,

70

70, 71

at, 72

by deed, 73

5

5 to 9

6

ibid.

7

8

ibid.

8, 9

9

10

11 12

79

13

ibid.

149

340

444 445

299 to 304

153

309, 327, 374, 462

462, to 464

319

271, 272

472 to 475

337, 419, 470

337, 338, 377

481

397

## S C A N T L I N G.

See Lumber.

## S C H E N E C T A D Y,

Lines between it and Saratoga, how ascertained,	Page 419, 420
Night-watch therein, how established and regulated,	121, 122
Timber and wood on the commons, how to be preserved,	289, 325

## S C I R E F A C I A S,

In what cases it may be had,	103, 104
------------------------------	----------

## S C O T T, E Z E K I E L,

Land to be granted to him,	454
----------------------------	-----

## S C H U Y L E R, P H I L I P P.

Relieved,	477
-----------	-----

## S E C R E T A R Y,

Form of an oath to be taken by him,	46
His fees for patents,	269, 278, 284
His salary established,	472, 475

## S E N A T E,

Clerk and door-keeper, their pay,	474
To give notice of electing senators,	316
Senators to take certain oaths,	45, 46
When and how to be sued,	59
Number to be chosen in each district,	338
Their pay established,	474

## S E R V A N T S. See Apprentices.

Contracts for service by persons coming from beyond sea to be acknowledged by them,	29
Assignments of such contracts to be good,	ibid.
Infants may be bound until 24 to pay for their passage,	ibid.
Embezzling their masters goods, declared to be felony,	43, 44

## S H E E P. See Strays.

Value of sheep killed by dogs, how to be ascertained and paid,	229, 230
Owners of dogs to pay for sheep killed by them,	230
In what cases sheep not to be considered as taxable property,	231

## S H E R I F F S,

Liable to debts of prisoners in execution, if they escape,	5
Their power and duty in executing replevins,	5, 6, 7, 8
To take security on executing writs and plaints in replevin,	7, 8
Their duty respecting forcible entries and detainers,	10 to 12
Their duty on executions in partition,	14 to 16
Form of oath to be taken by them,	46, 47
Not to remove goods taken in execution without paying rent,	66
To make returns to, and attend courts of oyer and terminer and gaol delivery,	82
In what cases not to serve process on Sunday,	90
To deliver declarations against prisoners to them,	113, 114
To discharge persons who have been thirty days in prison for sums not exceeding ten pounds, exclusive of costs,	231, 232
To receive prisoners committed by authority of the United States,	233
His duty on sales by execution,	303, 304

SINGLES. See Lumber,

S L A V E S.

Persons who are slaves to continue so, unless manumitted,	Page 53
Children of women slaves to follow the condition of the mother,	ibid.
Baptism not to be a manumission of slaves,	ibid.
No slave imported after 1st June, 1785, to be sold,	ibid.
Penalty for purchasing or receiving slaves to export them,	ibid.
Penalty for harbouring or employing slaves without consent of the owner,	86
Penalty for trading with slaves, or selling liquor to them,	ibid.
Owners of slaves answerable for their trespasses to §1	ibid.
Penalty on slaves striking white persons,	86, 87
Owners of slaves not to suffer them to go about begging,	87
How slaves are to be tried for capital offences,	ibid.
Slaves in what cases to be witnesses,	ibid.
Penalty for selling slaves to persons unable to maintain them,	ibid.
How slaves may be manumitted,	87, 88, 312
In what cases to be transported,	312
Manumitted by the state, how provided for,	396, 397

S T A V E S and H E A D I N G,

The culling thereof regulated,	128, 130
Not to be exported without being culled,	128
Size and quality thereof,	ibid.
Cullers thereof how to be appointed, and their oath,	129
Allowance for culling,	ibid.
Disputes about them, how to be settled,	ibid.
Penalty for shipping such as have been condemned, or mixing them with such as have been culled,	ibid.
Cullers may go on board vessels to search for such as have been shipped without being culled,	130
Penalties how to be recovered and applied,	130

S T E A L I N G.

Stealing securities for payment of monies, declared to be felony,	77
---	----

S T O C K - J O B B I N G,

How prevented,	472
----------------	-----

S T O L E N G O O D S,

Buyers and receivers thereof, how to be punished,	77
---	----

S T R A Y S.

Persons having stray cattle or sheep, to give notice to the town clerk,	217, 218
When and how stray cattle and sheep may be sold,	ibid.
Money arising from sale of stray cattle and sheep how to be disposed of,	ibid.
Penalty for not giving notice of stray cattle and sheep,	218, 219

S T R O N G L I Q U O R S.

Excise on strong liquors,	116, 121
---------------------------	----------

S U F F O L K C O U N T Y,

Beach, act respecting it amended,	313
Bounds thereof,	149
Heath-hens and other game how preserved,	341
Highways, how to be cleared, regulated and laid out,	222, 226

Towns therein, and names and bounds thereof, *Page* 151, 152, 299, 400  
 Trustees of Brookhaven, when to be chosen, 290

S U I T S.

Any person may prosecute his own suit without an attorney, 259, 260

S U N D A Y.

Penalty for labouring, travelling or sporting on that day, 89, 90  
 No goods to be sold on that day, *ibid.*  
 Penalties, how to be levied and disposed of, 91, 92  
 Form of conviction, *ibid.*

S U P E R V I S O R S.

When and how to be chosen, 166, 167  
 To take an oath, 168  
 Their neglect to take the oath, deemed a refusal to serve, 169  
 Penalty for refusing to serve, *ibid.*  
 Their duty respecting taxes and county charge, 173 to 180  
 To appoint a clerk and a county treasurer, 177  
 To audit accounts of county treasurer, 177, 178  
 May maintain actions of account against county treasurer, 178  
 To cause deficiencies of taxes to be raised, 178, 179  
 Majority to constitute a legal meeting, 179  
 Penalty on them for neglect of duty, 180  
 To order inhabitants to extinguish or stop fires in the woods, 187 188  
 Their duty respecting the tax on dogs, 230 231  
 Their duty respecting loan officers, 400, 404, 405, 407, 408, 481

S U P R E M E C O U R T, See Judges.

May send felons into counties where offences are committed, 78  
 Clerk thereof to issue precepts to sheriffs concerning courts of oyer and  
 terminer and gaol delivery, 82, 83  
 To appoint commissioners to take affidavits, 113  
 In what cases to issue commissions to examine witnesses, 261, 262

S U R R O G A T E S,

Not to grant administration without proof, 421  
 To take bond on granting it, with the will annexed, 421, 422

S U R V E Y O R - G E N E R A L,

To sell forfeited estates, 200, 201  
 Form of conveyances to be given by him for forfeited estates, *ibid.*  
 In what cases his conveyance to operate as a warranty, *ibid.*  
 How to sell lands subject to controversy, 201  
 What public securities receivable in payment for forfeited estates, *ibid.*  
 How to lay out and sell lands lately purchased of the Indians, 265 to 271  
 Expence of surveying land directed to be sold, how to be paid, 268  
 Allowance to persons employed by him, 269  
 To lay out certain lands for the New-England Indians, 270  
 His duty respecting lands in Chemung, 277 to 279  
 His duty respecting lands set apart for the army, 281, 286, 369  
 How to proceed when locations are made on lands claimed by oc-  
 cupants, 285, 286

S U S Q U E H A N N A H R I V E R,

Penalty for obstructing it, 214

S W E A R I N G.

Profane swearing, how to be punished, 90

Penalties, how to be recovered and disposed of,  
Form of conviction,  
Charges of conviction, how to be paid,

Page 91, 92  
ibid.  
91

S W I N E. See Town Meetings.

## T A V E R N S,

AND inns, regulated, 116 to 121  
Persons retailing strong liquors to enter into recognizance, 118  
Penalty for selling liquor without a permit or entering into recognizance, *ibid.*  
No gaming to be permitted therein, 118, 119  
What accommodations to be kept therein, 119  
Penalty for selling liquor to, or receiving goods from, servants, *ibid.*  
Penalty for trusting any person above 10s. except travellers, 120  
To have a sign before their door, *ibid.*  
Penalties how to be recovered and disposed of, 121, 122

## T A X E S,

How to be assessed and levied, 174, 180  
TEN BROECK, JOHN, 426  
Relieved,

## T E N A N T S,

To give landlords notice of declarations in ejectment delivered to them, 72, 73  
Not to be prejudiced by conveyances of landlords without attornment, 115

## T E N A N T S in C O M M O N,

Compellable by writ to make partition, 14

## T E N D E R,

Of amends for irregularity in distraining for rent may be made, 65, 66  
Of amends for involuntary trespass may be made, 114, 115

## T E S T A M E N T. See Wills.

## T I M B E R,

Exportation thereof regulated, 123  
Inspectors thereof, how to be appointed, and their duty, 123, 124

## T I O G A, county of,

Bounds thereof, 341, 342  
Court house and gaol, how and where to be built, 345, 381  
Courts of sessions and common pleas, when and where to be held, 344, 382  
Towns therein, and bounds thereof, 343, 460, 461

## T I T L E S P R E T E N D E D,

Penalty on parties not in possession for buying or selling them, 39, 40

## T O W N C L E R K,

When and how to be chosen, 166, 167  
To give notice of special town meetings, 167, 171  
To take an oath, 168  
His neglect to take the oath deemed a refusal to serve, 169  
Penalty for refusing to serve, *ibid.*  
To deliver records to successors, 170  
To enter town laws, 171  
Allowance for entering notice of stray cattle and sheep, 217, 218  
To have no fees for searching his entries of strays, 219  
His duty respecting the tax on dogs, 228, 230



## T O W N - M E E T I N G S,

How and when to be held,	Page 166, 167
Special, when to be held, and what notice thereof to be given,	171
To determine what sum shall be raised for the poor,	142
To choose town officers,	166, 167
Where to be held,	167
May make regulations concerning their commons and fences; for ascertaining and directing the times, places and manner of permitting or preventing cattle, horses, sheep and swine, to go at large; for impounding creatures; for ascertaining the sufficiency of fences; for making and maintaining pounds, and for ascertaining and limiting the fees of the fence viewers,	170
To make provision for destroying noxious wild animals and birds,	171
To raise money for prosecuting or defending their common rights,	ibid.

## T R E A S O N,

Punishable with death,	73, 74
Prisoner standing mute, or refusing to plead, how to be tried,	74
Forfeiture for treason,	75, 76
Form of judgment for treason,	74
Indictors not to be put on the petty jury,	78
The words, with force and arms, not necessary in indictments,	79

## T R E A S U R E R,

Continued in office,	336
His salary and compensation established,	472 to 475
To exchange new for old bills of credit,	49
When to exchange gold and silver for bills of credit,	51
To pay expences of issuing new bills of credit,	ibid.
How to proceed against county treasurers for their neglect,	179, 180
How to proceed against supervisors for their neglect,	180, 186, 187
How to proceed against chamberlain of the city of New-York for neglect,	187
How to receive debts due to forfeited estates,	201, 202
How to pay debts due from forfeited estates,	202
To deliver certain papers to the auditor, and give him advice respecting demands of this state against the United States,	213
To deliver certificates for depreciation to the persons entitled to them,	ibid.
How to declare, in actions brought by him,	213, 214
Continued in office, and to take an oath,	336
To give security,	ibid.
To cause certain bills of credit and certificates to be cancelled,	263, 264
To subscribe to the manufacturing society,	311
To notify attorney general of debts due to the state,	331
To subscribe to the loan of the United States,	348
To subscribe to the bank of the United States,	374
To pay bounty for mulberry trees,	376
To subscribe to the bank of New-York,	ibid.
How to issue certificates for militia pay,	446, 447
To deposit certificates for stock in the bank of New-York,	457

## T R E A T Y,

Acts contrary to treaty of peace between Britain and America repealed,	88, 89
--	--------

## T R I A L S,

Notice thereof in what time to be given or countermanded,	108
---	-----

When plaintiff may be non-suited for not proceeding to trial, *Page 167,* 108  
 Of issues in the county where the supreme court sits, may be at bar or  
 at the circuit court, 261

## T R U S T E E S,

Being infants, to convey by direction of the court of chancery, 26  
 Securities taken by them not forfeited; and how suits may be brought  
 thereon, 202, 203

## V A N R E N S S E L A E R, J O H N,

RELIEVED, 477

## V A N V O R S T, J E L L I S, D.

Land to be granted to him, 478

## V E N D U E S,

Sales at vendue regulated, 153, 154, 470 to 472  
 Vendue-masters how to be appointed, 154, 471

## V E R M O N T,

Commissioners appointed to agree to its being a new state, 297, 298

## U L S T E R C O U N T Y,

BOUNDS thereof, 149

Roads over the Esopus low lands how laid out and regulated, 359

Towns therein, and names and bounds thereof, 158 to 160, 182, 461, 462

Trustees of Marbletown and Rochester, when to be chosen, 289

Act for partition of lands extended to New-Paltz, 364

## U N I T E D S T A T E S,

Their prisoners where to be confined, 292

Light-house vested in them, 292, 293

Amendments to the constitution thereof, 293, 294

Electors of president and vice-president how and when to be  
 chosen, 481, 482

## U N I V E R S I T Y,

Lands granted to the regents thereof, 317

Money granted to the regents, 318, 480

Regents authorized to establish a college of physicians and surgeons, 371

## W A R R A N T. See Order.

## W A R R A N T Y,

BY tenants for life, void against those in reversion or remainder, 115

Collateral, by ancestor having no estate in possession, void against his heir, *ibid.*

## W A S H I N G T O N C O U N T Y,

Bounds thereof, 150, 337

Court-house and gaol, money raised to build them, 453

Penalty for obstructing a certain part of Wood-Creek, 265

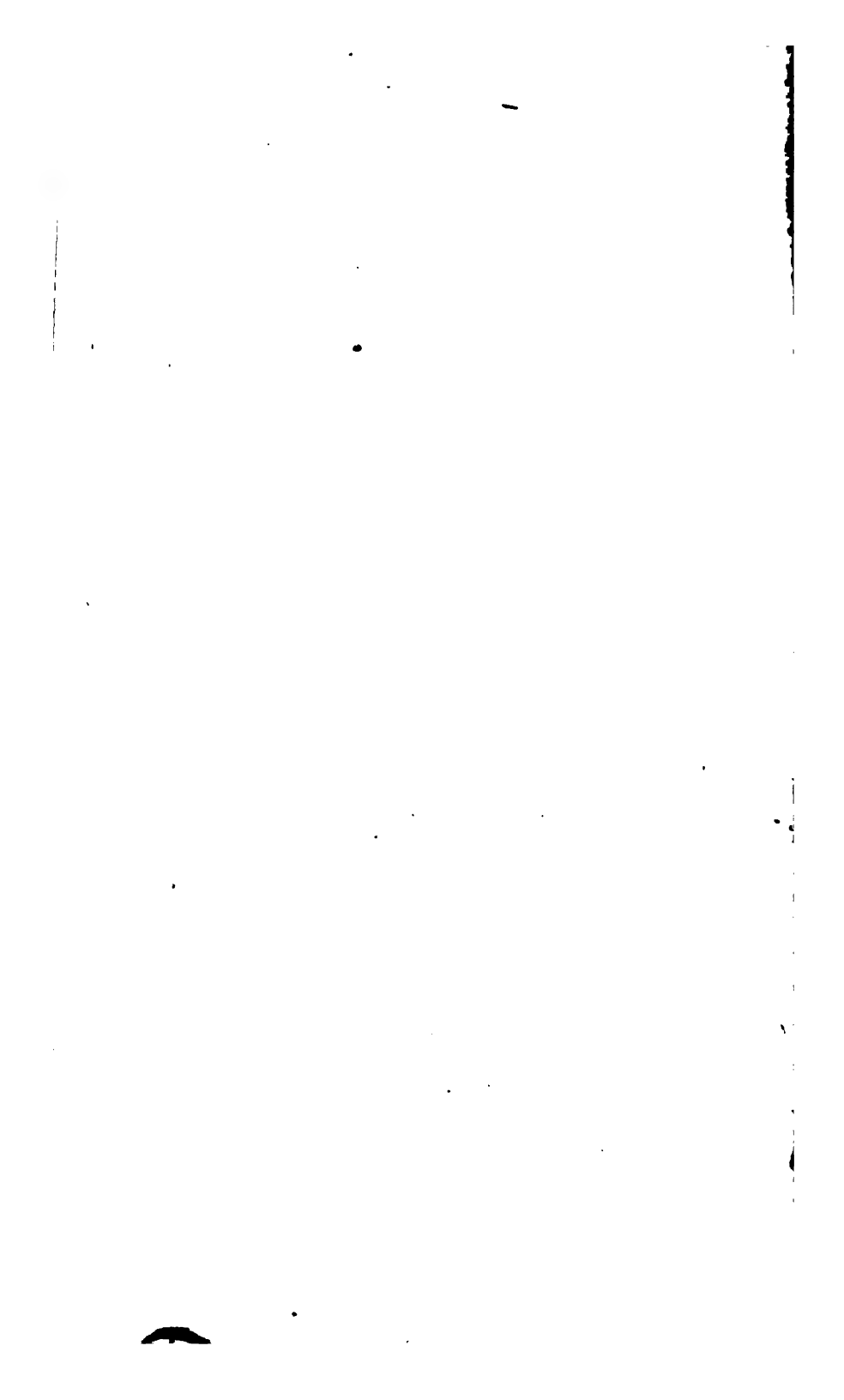
Towns therein, and names and bounds thereof, 163, 164, 461

## W A T T S, R O B E R T,

Relieved, 328

<b>WATSON, MATTHEW,</b>	
Lands to be granted to him,	<i>Page</i> 454
<b>WESTCHESTER COUNTY,</b>	
Bounds thereof,	149
Courts of sessions and common pleas when to be held,	311, 352
Highways, how laid out and repaired,	385 to 390
Morrisania annexed to the town of Westchester,	348
Votes for members of assembly, when and where to be canvassed,	273
Towns therein, and names and bounds thereof,	153 to 155, 348, 360
<b>WHEAT,</b>	
Standard weight thereof,	131, 132
<b>WHITEMAN, ANNA, MARGARETTA,</b>	
Relieved,	395
<b>WILD CATS,</b>	
Provision for destroying them, how to be made,	171
<b>WILLS,</b>	
To forge, counterfeit or alter wills, declared to be felony,	41
Act for proving them as to real estates amended,	325, 326
<b>WITNESSES,</b>	
Penalty on witnesses for not appearing,	37, 38
Persons indicted for treason or felony, to have process to compel their witnesses to appear,	78
Poor persons bound as witnesses, how to be paid,	80
When and how witnesses may be examined on a commission,	261 to 263
Witnesses to attend inferior courts, although served with a subpoena out of their jurisdiction,	263
<b>WOLVES,</b>	
Provision for destroying them, how to be made,	171
Reward for destroying them in certain counties,	320
<b>WOODS,</b>	
Penalty for setting fire to them,	187, 188
<b>WRITS,</b>	
Of replevin, form thereof,	6
Of conspiracy, form thereof,	39





# L I S T

## S U B S C R I B E R S N A M E S.

### CITY and COUNTY of NEW-YORK.

<b>A</b> BEEL Christopher	Carrow John
Alner James	Cock Isaac
Adams Charles	Cole Peter
Ackerly Jeremiah	Duane James
Allen William	Dunscornb Edward
Alexander William	Drake Jonathan
Burr Aaron	Dewhurst John
Brasler Ephraim	Doyr Hendrick
Buchannan William	Duryee Charles
Beekman William	Durand Francis
Bancker Evert	Dunn Cary, jun.
Bowne Samuel	Deforeest Theodore
Bridgen Charles	Elting Peter
Blagge John	Embree Lawrence
Broome John	Embree Effingham
Ball Flaman	Eden Metcalf
Brewster Samuel	Egbert Benjamin
Bruce R. & Peter	Evertson Nicholas
Brasler Philip	Furman Gabriel
Benson Robert	Fish Nicholas
Bainbridge John T.	Foster Jacob
Brooks Henry	Fannar Thomas
Barckley David	Gilbert William W.
Blagge Jasper D.	Greenwood John
Clinton George	Gardiner Thomas
Cooper Cornelius	Gardiner David, jun.
Cock William	Gelston David
Campbell David	Gros Johan D.
Connelly Michael	Gouverneur Joseph
Clinton De Witt	Gosman Robert
Cogswell James	Gorman Robert
Culbertson James	Groteclaus Gilbert
Cock Isaac	Griffin Peter
Campbell John	Haring Abraham
Cooper Thomas	Hobert John Slofs
Clarke James B.	Harsen Jacob
Clarkson Matthew M.	Hardenbergh Abraham
Cozine John	Hicks Willet
Cock Elijah	Hicks Elias
Coles Stephen	Hicks Isaac
Cromwell Daniel	Hichcock Stephen
Concklin Jacob	Hoffman M.

# SUBSCRIBERS NAMES.

Hoffman Josiah Ogden  
Hardenbrook Abel K.  
Hardie James  
Hunt Alfop  
Hunt James  
Hunt Leake  
Harrington John  
Haviland Caleb  
Harrison John  
Henry Michael D.  
Johnson John  
Jadwin Joseph  
Jones Samuel  
Jones David  
Ker Oliver L.  
Kombs Ezekiel  
Kip Isaac L.  
Kerly Archibald  
Lamb John  
Lawrence Nathaniel  
Lawrence William  
Lawrence Thomas  
Lott Andrew  
Leferts Dirck  
Leferts Lefert  
Livingston Robert C.  
Livingston Edward  
Livingston Brookholt  
Lent John  
Lyon George  
Loines & Ros  
Monro Peter Jay  
M'Kesson John  
Mooney Barnet  
M'Crea Stephen  
Mort Jos.  
Messerve George  
Morris Thomas  
Moore John  
Mooney William  
Mitchell Henry  
Matlack White  
Mott Jacob  
Mott Milliam & John  
Mott Robert  
Morton Jacob  
Miller William G.  
Mallenbrey Joseph  
M'Gown Andrew  
North Benjamin  
Nitchie John

2 sets

Onderdonck John  
Ogden Lewis  
Oudenarde Marinus  
Osgood Samuel  
Pintard John  
Post John  
Post Jotham  
Post William  
Platt Richard  
Penfield Daniel  
Parsons John  
Phoenix Daniel  
Pell Benjamin  
Pierfon Josiah G.  
Pell Jonathan  
Pearis John P.  
Parker Edward  
Quackenbos John  
Remsen John H.  
Ray John  
Riggs Caleb S.  
Riker James, jun.  
Renwick James  
Roosevelt Isaac  
Roosevelt Elbert  
Richardson Charles  
Roorback John F.  
Roe Jonas  
Rutgers Henry  
Steuben  
Smith Melancton  
Smith Thomas R.  
Smith William Pitt  
Strong Nathan  
Sacket Augustus  
Shuter Henry  
Staples John  
Swartwout John  
Stevens Ebenezer  
Snowdon George, jun.  
Stymets Isaac  
Swartwout B. jun.  
Smith Joseph  
Stoutenburgh Isaac  
Strong Benjamin  
Strong Selah  
Seaman John  
Stanburgh Daniel  
Sherred Jacob  
Sullivan John  
Smith Nathaniel

# SUBSCRIBERS NAMES.

Smith James  
 Smith W. S.  
 Sloo William, jun.  
 Troup Robert  
 Tylee James  
 Tapp William  
 Treat Malichi  
 Ten Brook Henry  
 Turner John, jun.  
 Townsend Solomon - 2 fets  
 Townsend John  
 Turk Ashur  
 Talman Samuel and Peter  
 Tom Thomas  
 Tillinghast Charles  
 Thompson James, jun.  
 Thompson Andrew  
 Varick Richard - 2 fets  
 Van Tyle Andrew  
 Van Beuren Cortlandt  
 Van Horné David  
 Van Gelder Garret  
 Van Steenberg Peter  
 Van Steenberg Samuel

Van Antwerp Simeon  
 Van Zandt Petet P.  
 Van Zandt Wynant  
 Van Wagener Garret H.  
 Vredenburgh William L.  
 Van Dyck John  
 Van Vleek Isaac  
 Wickham John  
 Watts John  
 Wool Jeremiah  
 Waning Henry  
 Wylley John  
 Woods John  
 Warner James  
 Wood John  
 Wells John  
 Wicks James  
 Woodhull James  
 Woodhull Gilbert  
 Willet Marinus  
 Wendover Hercules  
 Williams Edward  
 Walker David

## RICHMOND COUNTY.

**B**ARNES George  
 Claufon Janathan  
 Dongan John C.  
 Fyfon John  
 Guyon James  
 Jones Edmund  
 Larzelere Benjamin  
 Mercereau Joshua

Mercereau Jacob  
 Micheau Doctor  
 Oppie John  
 Ryerfe G.  
 Skinner Thomas, jun.  
 Trinongen Barriet  
 Van Brunt William - 2 fets

## KINGS COUNTY.

**A**LLEN Nehemiah  
 Betts Thomas  
 Covenhoven John R.  
 Covenhoven Nicholas R.  
 Cornwell Isaac  
 Doughty Charles  
 Everit Thomas  
 Garrifon Samuel  
 Garrison John  
 Hicks John  
 Hix Jacob  
 Harris Samuel  
 Hageman Denyse  
 Johnson Jeremiah  
 Johnson John B.  
 Lott Jeromus  
 Lott Johannis E.  
 Lefferts Barran

Lefferts Peter  
 Norstrand John  
 Nafue Peter  
 Polhemus Theodorus  
 Remsen Derick  
 Rapelyea Peter  
 Sharp Jacob, jun.  
 Stilwell Richard  
 Stilwell Frost  
 Skilman John  
 Suydam Lambert  
 Suydam Hendrick H.  
 Suydam Fernandus  
 Suydam Jacobus  
 Sands Joshua  
 Seaman Jacob  
 Skilman John  
 Schenck Nicholas

# SUBSCRIBERS NAMES.

Schenck Peter F.  
 Terhune Albert  
 Vanderwee John  
 Van Norstrand John  
 Van Clef Michael  
 Van Derbilt Jeremiah

Van Nuys John V.  
 Van Sinderen Alpeanus  
 Van Maiter Gilbert  
 Van Cortlandt Augustus  
 Youngs Philip

## QUEENS COUNTY.

**A**NSON George  
 Bowne John  
 Barr Samuel, sen.  
 Bogart Daniel, jun.  
 Baldwin Stephen  
 Beeley Joseph  
 Beedle Sylvanus  
 Blackwell Josiah  
 Coles Jordon  
 Concklin Isaac  
 Coe Benjamin  
 Colyer Jacobus  
 Cornwell William  
 Cornwell Lewis  
 Duryea Gabriel  
 Didmus Abraham  
 Eeverit Benjamin  
 Farrington Charles  
 Fleet John  
 Frost Stephen  
 Fordham Nathan  
 Freeman Robert  
 Farrington Walter  
 Fairchild Thomas  
 Hicks Charles, jun.  
 Horton Benjamin  
 Hegeman Andries  
 Hegeman Elbert  
 Hegeman Andries, jun.  
 Hegeman Peter, jun.  
 Hayner Hendrick  
 Hicks John, B.  
 Jones David Floyd  
 Jackson Richard  
 Jones Walter  
 Johnson Martin  
 Jones John         : 2 sets  
 Kiffam John  
 Kiffam Daniel  
 Lawton William  
 Lotting Joseph  
 Lester Peter, jun.  
 Ludlam Stephen         : 3 sets  
 Lefferts John  
 Lewis Francis

Lawton William  
 Luyster Elbert  
 Lawrence William  
 Lawrence Leonard  
 Leak John  
 Mitchell Samuel  
 Mills Zophar  
 Manford Daniel  
 Mitchell Charles  
 Mitchell Allen  
 Munfort Peter  
 Morrell Richard  
 Onderdonck Andrew  
 Onderdonck George  
 Payne Benjamin  
 Pierson Henry  
 Purdy David  
 Pearfall Thomas  
 Pettit Joseph  
 Riker Samuel  
 Rapelyea Abraham  
 Rapelyea Daniel  
 Rose Samuel  
 Raner Jacob  
 Smith Isaac  
 Smith Joseph  
 Smith John M.  
 Smith John H.  
 Sage Ebenezer  
 Schenck Martin  
 Schenck Abraham  
 Schenck John  
 Seaman Nathaniel  
 Seaman John W.  
 Sands Benjamin  
 Tredwell Timothy  
 Townsend George  
 Townsend Price  
 Townsend Platt  
 Townsend Sylvanus  
 Townsend Jotham  
 Titus David  
 Van Wicklen Jacob  
 Valentine Richard  
 Valentine Jacob



## SUBSCRIBERS NAMES:

Van De Water Benjamin  
 Van Norstrand Aaron  
 Van Norstrand Isaac  
 Wright John  
 Wright Obediah  
 Willet Samuel  
 Willet James

Wickes Refine  
 Willis Townsend  
 Wells Daniel  
 Wickes Eliphalet  
 Wilkins William  
 Wortman Coles

## S U F F O L K C O U N T Y.

**B**RUSH Jacamiah  
 Brush Pearfall

Blackly Moses  
 Brewster Nathaniel  
 Brewster Joseph  
 Buffett Isaac  
 Carll Samuel  
 Carll Lemuel  
 Concklin Nathaniel  
 Davis Goldsmith  
 Ellison Thomas  
 Fleet Gilbert  
 Floyd William  
 Floyd John  
 Gelston John  
 Gardiner John  
 Hartt Micha  
 Havens John  
 Hawkins Jonas  
 Helme Thomas  
 Hullask David  
 Helme William  
 Hudson William  
 Howard John  
 Howell Stephen  
 Halfey Silas  
 Hubbert John  
 Hawkins Jacob  
 Ireland Thomas  
 Jarvis Daniel  
 Ketcham Zebulan  
 Ketcham Caroll  
 L'Hommedieu Ezra  
 Mansfort Garret  
 Murray Silas  
 Meng Christopher  
 Mills Jonas  
 Overton Isaac  
 Oakley Wilmot  
 Platt Ebenezer

Platt Jeremiah  
 Place William  
 Phillips William  
 Phillips Samuel  
 Phillips Mills  
 Paine John  
 Potter Nathaniel  
 Pierfon Henry  
 Roe Daniel  
 Roe Thomas  
 Roe Austin  
 Roberts Daniel  
 Reyner Joseph  
 Robertson Thomas  
 Rogers Uriah  
 Rogers Jonathan  
 Smith Philetus  
 Smith Caleb  
 Smith Joshua  
 Smith Jeffery  
 Smith Richard  
 Smith Nathaniel  
 Smith Adam  
 Smith Jesse  
 Smith Paul  
 Strong Selah  
 Strong Joseph  
 Snideker John  
 Sandford James  
 Thompson Isaac  
 Thompson Samuel  
 Tredwell Thomas  
 Van Vechler Abraham  
 Wood Selah  
 Woodhull Merrit Smith  
 Woodhull John, jun.  
 Wheeler Jonas  
 Wickham Daniel H.  
 Udell Richard

## W E S T C H E S T E R C O U N T Y.

**A**NDERSON William  
 Almond Thomas  
 Briggs George

Bayle Jonathan  
 Brewster Elijah  
 Barker John

# SUBSCRIBERS NAMES.

Bowne Thomas	Newman Elias
Boyce Thomas	Onderdonck John
Beekman Gerard G.	Purdy Ebenezer
Bartow Thomas	Purdy Jacob
Carpenter Thomas	Platt Jonathan
Carpenter Joseph	Paulding John
Deal Samuel	Read Aaron
Delezenne Joseph C.	Ramsay John
Delevan John	Strong Joshua
Delancey Warren	Strang Josiah
Dyckman Garret	Strang John
Delevan Daniel	Scofield Amos
Fowler Moses	Stevenson Benjamin
Franklin James	Smith Abel
Folconer John	Smith Isaac
Ferris Thomas	Smith Richard
Ferris Jonathan	Sniffer Isaac
Fanther William	Tompkins Jonathan G.
Gaine David	Tidd Charles
Horton Daniel	Thomas Thomas
Hunter Elijah	Tasket Richard
Hammond Elifha	Trowbridge James
Hawx Solomon	Van Cortlandt Pierre, jun.
Haight Samuel	Van Cortlandt Philip
Halfey Daniel	Ward Isaac
Hughes Hugh	Ward Stephen
Hughes Peter	Wolfey John, jun.
Lockwood Ebenezer	Webbers Isaac
Lewis Samuel	Waring Abraham
Lester Andrew	Wilson Henry
Livingston Philip	Wallace Uriah

## ORANGE COUNTY.

<b>A</b> RMSTRONG Robert	Cassady Archibald
Allison William	Cuyper Themis
Brown Joshua	Cooper Gilbert
Brown George	Cooly Jonathan
Bunce David	Concklin John, jun.
Bavid Francis	Curtis Benjamin C.
Brower Joseph L.	Cafe Phineas
Benedict James	Clark Sanford
Blauvelt Peter	Clark Jeremiah
Blauvelt Thomas	Decker Johannis
Bradner Thomas	Deronde Addrian
Bull John Turtius	Drake Joseph
Brewster Henry	Dolson James
Coleman Samuel	Davis John, jun.
Coleman John	Denayelles Peter
Coe Benjamin	Everett James
Coe Halstead	Fulton David
Coe Samuel W.	Ferry Noah
Coe John D.	Fairchild Abijah
Coe Samuel	Goetschus Samuel

## SUBSCRIBERS NAMES.

Gale Samuel  
 Helmes Anfalem  
 Hawkins David  
 Harrifon Daniel  
 Howell Hezekiah  
 Houston Joseph  
 Holly William  
 Hogencamp John M.  
 Hall Daniel  
 Hopkins Reuben  
 Hurlin Christian  
 Jackson Benjamin  
 Jackson William  
 Jackson John  
 Jones Nathan  
 Johnson Isaac  
 Johnson Joseph  
 Jessup Jeremiah  
 Ketcham Azariah  
 Lawrence Jonathan, jun.  
 Ludlow Robert  
 Miller David  
 Marvin Anthony  
 Marvin John  
 Moffatt Thomas  
 Matthews Vincent  
 North Thomas  
 Noble Abel  
 O'Brien Bernard  
 Onderdonck Abraham  
 Onderdonck Thomas  
 Pye David  
 Pye John  
 Roe Nathaniel  
 Roe Nathaniel, jun.

Striker James  
 Strong Samuel  
 Strong Selah  
 Satterly Nathaniel  
 Smith William S.  
 Smith John  
 Smith John L.  
 Smith Benjamin  
 Smith Walter  
 Suffern John  
 Sneedecker Theodorus  
 Steward John  
 Seely Jonas  
 Thew Daniel  
 Tuthill John W.  
 Tooker Samuel  
 Tucker Henry  
 Thompson William W.  
 Thompson William  
 Townsend William  
 Van Orden Peter  
 Van Etten Levi  
 Van Awker Elias  
 Van Houten Resolvert  
 Vail John  
 Wood Joseph  
 Woodhull Cornelius Jesse  
 Waters Thomas  
 White Hezekiah  
 Wickham George D.  
 Williams Henry A.  
 Youngs Silas, jun.  
 Youngs Birdsey  
 Yelverton Abijah

## ULSTER COUNTY.

**A**CKERLEY Benjamin  
 Barber John  
 Bowman Phineas  
 Bevier Philip D.  
 Bruyn Jacobus  
 Bevier A.  
 Bookflaver Jacob  
 Boothe William  
 Brook Abraham, jun.  
 Belknap Benjamin  
 Belknap Joseph  
 Boyd Samuel  
 Bruyn Severyn T.  
 Bevier Abraham  
 Banks Justice  
 Bruyn C.

Bruyn Abraham  
 Bruyn Joseph  
 Bancker Abraham B.  
 Bull Daniel  
 Bodle William  
 Bodle Alexander  
 Credit Benjamin  
 Cuddeback Peter G.  
 Cantine John  
 Cafe Stephen  
 Crawford Francis  
 Clinton James  
 Clinton Charles  
 Crans Adam  
 Clark Foster Sheffield  
 Cross William

# SUBSCRIBERS NAMES.

Delametter Jacob  
 Delametter Anthony  
 Depuy Moses I.  
 De Witt John C.  
 De Witt Abraham T. E.  
 Decker John  
 Duffield John  
 Du Bois Matthew  
 Dill David  
 Denniston George  
 Denniston James  
 Du Bois Nathaniel  
 Decker John C.  
 Depuy Josiah  
 Du Bois Jeremiah  
 De Myer John  
 Drake Uriah  
 Du Bois John  
 Elmendorf Lucas, jun.  
 Elmendorf Coonrad E.  
 Everson George  
 Ellifon William  
 Ellifon John  
 Fowler Isaac  
 Fisher M.  
 Fiero Christian  
 Fry Abial  
 Faulkner William  
 Foote Ebenezer  
 Graham James G.  
 Gasferie Joseph  
 Gillespie Samuel  
 Gillespie John  
 Hardenbergh Johannes G.  
 Hardenbergh Nicholas  
 Hardenbergh John L.  
 Hardenbergh Lewis, jun.  
 Howell Phineas  
 Hornbrook Cornelius P.  
 Hasbrouck Jacobus, jun.  
 Hasbrouck Joseph  
 Hasbrouck Elias  
 Hasbrouck Jonathan  
 Hunter Mathew  
 Hunter Samuel  
 Higbie Moses  
 Janfen Cornelius T.  
 Janfen Thomas, jun.  
 Kemaghan James  
 Keirsted Luke  
 Koos Evert  
 Low Jacobus

Lounsbury Edward  
 Miller Johannes  
 Mormelt George  
 M'Cay John  
 M'Neely David  
 M'Clagney John  
 Mills Jacob  
 Mains Francis  
 Morrell John  
 Moffatt William  
 Neven Daniel  
 Nicholson Andrew  
 Nicholson Thomas  
 Oliver Richard  
 Oliver James  
 Persen Johannes  
 Persen Cornelius  
 Roberts Gilbert  
 Roggen Peter  
 Roosa Aldert  
 Roosa Isaac  
 Raine David  
 Reeve Jeffery  
 Sacket William W.  
 Smedes Aldert  
 Schoonmaker Jacobus  
 Schoonmaker Cornelius C.  
 Schoonmaker Abraham  
 Snyder Andrew  
 Snyder Johannes  
 Slight Solomon  
 Smith Henry  
 Smith Jeremiah  
 Swart William  
 Sands Samuel  
 Stockton Charles  
 Southworth Elijah  
 Tappen John  
 Tappen Christopher  
 Tappen Cornelius  
 Tappen Peter  
 Ten Eyck Richard  
 Tooker Samuel  
 Tremper Jacob  
 Townsend Benjamin  
 Theu James  
 Trustees of the freeholders and  
 commonalty of the town of  
 Kingston a fets  
 Van Gaasbeck Peter  
 Van Horne Abraham  
 Van Wagener Simon

## SUBSCRIBERS NAMES.

Van Steenberg John  
 Van Eyen Henry  
 Wynkoop Dirck  
 Wynkoop Cornelius E.  
 Wynkoop John C.  
 Westbrook Dirck  
 Whelan Joseph

Warner Matthias  
 Winchell Lemuel  
 Wilfon Daniel  
 Weed James  
 Whitaker Edward  
 Wells Daniel  
 Yeomans Moses

### DUTCHESS COUNTY.

**A**DRANCE John  
 Adrance Ram  
 Beach Zerah  
 Bockee Jacob  
 Bates Hickey  
 Brinckerhoof John G.  
 Brooks D.  
 Bailey William  
 Brower Nicholas  
 Clapp Durias and Silas  
 Cooper James  
 Concklin Lemuel  
 Cantillon Richard  
 Collins Hezekiah  
 De Witt Petrus  
 De Witt John  
 Dennis J.  
 Drake John, jun.  
 Emott James  
 Elliot Benjamin  
 Enugn Chenny  
 Ellsworth Ahasuerus  
 Ellison John G.  
 Ely William  
 Gale Josiah  
 Gregory Uriah  
 Graham Daniel  
 Hoffman Anthony  
 Haskins Benjamin F.  
 Holly Josiah  
 Hopkins Roswell  
 Ketletas William  
 Livingston Gilbert R.  
 Livingston Gilbert  
 Livingston Henry, jun.  
 Lofee Abraham, jun.  
 Lends Abraham  
 Lesserts Daniel  
 Lyle Henry

Mott Ebenezer  
 Mesier Matthew  
 Mitchel Thomas  
 Mabbet Joseph S.  
 Marsh Silas  
 Nickerson Thomas  
 Oakley Jesse  
 Patterson Matthew  
 Platt Zepheniah  
 Paine Barnabas  
 Paine Ephraim  
 Paine Elias  
 Peters Hulett  
 Rogers Charles P.  
 Rapelje Richard  
 Rapelje Abraham B.  
 Schenck Henry  
 Schenck Abraham  
 Smith Edward  
 Smith Jacob  
 Shepherd Zebulon  
 Spencer Philip, jun.  
 Sleight Abraham  
 Swart Evert W.  
 Swartwout Jacobus  
 Talmann William  
 Talmadge James  
 Thompson Smith  
 Tabor William  
 Tappen Peter  
 Van Benschooten Matthew  
 Van Ness David  
 Van Wyck Isaac  
 Van Wyck C. R.  
 Van Wyck T.  
 Van Kluck John  
 Wood James  
 Wilsey Martin  
 Williams Robert

3 Letts

### COLUMBIA COUNTY.

**A**VERILLE Isaac  
 Adgate Matthew  
 Adgate Afa  
 Allen Benjamin  
 Vol. II

Bay John  
 Beebe Hosea  
 Brown Sylvanus  
 Bostwick Elijah

# SUBSCRIBERS NAMES.

Bishop Peter  
 Bruyn James  
 Burgert Lambert  
 Bryant James  
 Brebner James  
 Baughman Abraham  
 Cade Palmer  
 Cantine William  
 Conyne Casparus  
 Chappel John  
 Chalmer Hugh  
 Chapinan Jonathan  
 Coon Hezekiah  
 Douglass Asa  
 Dor Matthew  
 Davenport Noah  
 Denniston William  
 Ford Jacob  
 Fries Philip  
 Gilbert Eliza  
 Grant Eleazer  
 Graham Sheldon  
 Goodrich Elihu C.  
 Gilbert Luke  
 Gardenier Dirck  
 Graham Joseph  
 Hased Nathan  
 Hamilton Patrick  
 Herrick Nathan  
 Hogeboom John C.  
 Hogeboom Abraham  
 Holcomb Jonathan  
 Holdridge Hezekiah  
 Holdridge Abraham  
 Hofner Hezekiah L.  
 Hudson John H.  
 Huyck John V. H.  
 Jones Samuel  
 Jenkins Seth  
 King Moses  
 Kettle Nicholas  
 Kellogg Rufel  
 Livingston Peter R.  
 Livingston Henry  
 Livingston Peter  
 Lowden John  
 Lush William  
 Law Joseph  
 Ludlow William H.  
 Lockwood Theophilus  
 Moore Benjamin  
 Murray Reuben

Monell George  
 M'Kenstrey Charles  
 Moorehouse James  
 Noyes William  
 Noyes John  
 Noyes Nathan  
 Phinny Elihu  
 Palmer Joshua  
 Pruyn Arent  
 Patterfon Abraham  
 Pratt David  
 Power Thomas  
 Paine and Goldsmith  
 Reed Ezra  
 Strawwarran John  
 Spier William  
 Shetber John  
 Stoanoham William  
 Spencer Elijah  
 Spencer Israel  
 Spencer Ambrose  
 Spencer Jabez  
 Stoddard Ashbell  
 Ten Brook Samuel  
 Tiley Walter  
 Tryon John  
 Talmadge Joel  
 Vander Pool Abraham  
 Vander Pool Isaac  
 Van Holsen H.  
 Van Allen Peter L.  
 Van Allen Peter  
 Vosburgh Myndert P.  
 Vosburgh Peter L.  
 Vosburgh Evert  
 Van Vleek Abraham L.  
 Van Alstyne Abraham L.  
 Van Slycke Peter L.  
 Van Schaack Henry C.  
 Van Rensselaer Jacob R.  
 Van Alstyne John L.  
 Van Neis Peter  
 Van Valkenburgh Isaac  
 Wimple Walter Vrooman  
 Warner Jonas  
 Warner Jason  
 Warner Josiah  
 Warner Jonathan  
 Wheeler Samuel  
 White George  
 Wynkoop Peter  
 Whiting Daniel

## SUBSCRIBERS NAMES.

Whiting John  
Whiting William  
Wilbor Samuel  
White George

Welles Benjamin  
Weisener Peter  
Waight Thomas  
Yoes Isa,

### R E N S S E L A E R C O U N T Y.

**B**ROWN Jonathan  
Bancker Flores  
Candall Thomas  
Darling Ebenezer  
Dickerson John D.  
Gale Samuel  
Gale Benjamin  
Green Luke  
Gray Daniel  
Goodrich Silas  
Hall Rowland  
Huli Ezekiel  
Hawks Benjamin  
Hickok William  
Jacobs Nathaniel  
Kent Mofs  
Lanfing Jacobet  
Lanfing Cornelius  
Lanfing John E.  
Lanfing Richard  
Milk Benjamin  
Masters Josiah  
M'Kown James  
Miner Samuel

Niles Janathan  
Newton Abner  
Odel Jonas  
Palmer Thomas  
Paulding Albert  
Randall Benjamin  
Schermerhorn John W. 2 fetts  
Schermerhorn Jacob C.  
Sickles Thomas  
Staats Nicholas  
Snider Nicholas  
Ten Eyck Anthony  
Van Rensselaer Henry K.  
Van Rensselaer John L.  
Van Zandt John  
Van Alstyne Jacob  
Viele Ludovicus  
Witbeck Thomas L.  
Winthrop Benjamin  
Wylie John  
Woodworth Robert  
Woodworth John 2 fetts  
Woodworth Benjamin  
Williams Nathaniel

### W A S H I N G T O N C O U N T Y.

**C**URTICE Daniel  
Cornell Paul  
Deuel Benjamin  
Dorr Jonathan  
Dennis Thomas  
Heath Joseph, jun.  
Harrown John  
King Solomon  
M'Killeje John

Sprague David  
Smith Thomas  
Savage Edward  
Tift Stanton  
Van Valkenburgh Jacob 12 fetts  
White Andrew  
Whiteside Thomas  
Webster Alexander 3 fetts  
Williams John

### C L I N T O N C O U N T Y.

**A**DDOMS John  
Gilliland William, jun. 2 fetts

Trimble George

### A L B A N Y C O U N T Y.

**B**OGARDUS Jacob  
Barber John  
Blann Uriah  
Brookway Beman  
Bates Augustus  
Bogardus James  
Birdfall Benjamin

Crocker David 2 fetts  
Colkins Matthew  
Cuyler John C.  
Curtis Jotham  
Dorr Elisha  
Elmendorf Peter F.  
Edwards Richard

# SUBSCRIBERS NAMES.

Egberts Anthony  
 Fonda David  
 Fonefa Nicholas  
 Follet Francis  
 Fonda Nicholas  
 Goetfious Jacob  
 Gansevoort Leonard  
 Gansevoort Leonard, jun.  
 Gansevoort Peter, jun.  
 Graham Theos. Van Hyck  
 Glen Henry  
 Graham Joseph  
 Husk Stephen  
 Hutton Isaac  
 Haight Samuel  
 Hem Abraham  
 Jauncey John  
 Lansing Sanders  
 Lansing John, jun.  
 Lyon Joel  
 Lush Stephen  
 M'Carty David  
 Martin Solomon  
 Norris John P.  
 North William  
 Ogden Matthias  
 Ostrander John, jun.  
 Outhoudt Henry  
 Parker Thaddeus  
 Quackenbos Nicholas  
 Romayne Rev. D.

Reab George - - 2 sets  
 Stuyvesant Nicholas W.  
 Sanders John  
 Staat Barent G.  
 Spencer Henry  
 Schureman Martin G.  
 Ten Broeck John  
 Ten Broeck Dirck  
 Ten Broeck Abraham  
 Toufey Zerah  
 Tayler John  
 Van Vechter Samuel  
 Van Slyck Cornelius H.  
 Visscher Irbask  
 Van Rensselaer K. K.  
 Van Rensselaer Jeremiah  
 Van Rensselaer T.  
 Van Rensselaer Stephen 2 sets  
 Vanderbergh Cornelius  
 Van Ingen Dirck  
 Van Orden Benjamin  
 Van Orden Hezekiah  
 Van Orden William, jun.  
 Wendell J. H.  
 Wendell Hermanus H.  
 Wendell Garret  
 Woodworth John  
 Yates Peter W.  
 Yates Joseph C.  
 Yates John Waters

## MONTGOMERY COUNTY.

**B**LANK Cornelius  
 Bowman John  
 Beekman Cornelius C.  
 Conterman George  
 Dodge Richard  
 Diell Henry  
 Diefendorf John J.  
 Eaker Jacob  
 Ellwood Isaac  
 Frey John  
 Fonda Jacob G.  
 Holliday Francis  
 Harper William  
 Humfry Cornelius  
 Hudson Bernard  
 House Joseph  
 Kimble William  
 Kent Mose, jun.  
 Klock Jacob G.  
 Lansing James

Little John  
 Metcalfe G.  
 M'Faren Robert  
 M'Donell John  
 Machin Thomas  
 M'Masters James  
 Nelles Christian  
 Newkerk Charles  
 Powell Charles  
 Rust Amaziah  
 Rice John  
 Roorback John  
 Roosa Cornelius  
 Schuyler Peter  
 Sits Henry  
 Seiber John  
 Sanders Henry  
 Talbot Silas  
 Throop Josiah, jun.  
 Van Alstyne Philip



## SUBSCRIBERS NAMES.

Vaa Camp Cornelius  
Wemple Andrew  
Winn John  
Walrath Henry  
Walrath John H.

Windecker John  
Wright Jacob  
Young Peter  
Yates Christopher P.     2 fetts

### SARATOGA COUNTY.

**B**LEECKER John  
Boardman Daniel  
Brisband John  
Betts and Gregory  
Edron Adam

Mitchell Andrew  
Peables Hugh  
Palmer Elias  
Rosekrans Benjamin  
Van Yevern Myndert, jun.

### HERKIMER COUNTY.

**B**LACKMER Ephraim  
Beeche Ashbell  
De Witt Moses  
Danforth Asa  
Frank John  
Hart Jacob  
Maynard Needom  
Palne Edward

Porteous John  
Phelps Seth  
Smith Job  
Smith Peter  
Stoyell John  
Sanger Jedediah  
Tuttle Timothy  
Wetmore Amos

### OTSEGO COUNTY.

**H**ARPER John  
Townsend Platt  
Wattles Sluman

Wattles Nathaniel  
Witter Johnson

### TIOGA COUNTY.

**A**C Moody John J.     24 fetts  
Bennet Phineas  
Chaplin Joseph  
Guthrie William  
Gazley Jonathan  
Hovey Benjamin  
Jones Benjamin  
Kelsey Abner  
Lane Nathan  
Maxwell Guy

Matthews Vincent  
Merfereau Joshua     4 fetts  
Martin Solomon  
Miller John  
Paine Brinton     2 fetts  
Stoel —  
Spaulding Nehemiah  
Sabin Walter  
Whitney Joshua

### ONTARIO COUNTY.

**A**NNEN Joseph  
Boughton Enos  
Bortle Peter, jun.  
Berry Gilbert R.  
Chapin Israel  
Coth Judah  
Dayton Abraham  
Fish James D.  
Gerham Nathaniel  
Hathaway Thomas  
Hosmer Timothy  
Hall Amos  
Norton Nathaniel

Perry Nathan  
Parker James  
Patterson Ezra  
Percott Joel  
Potter Arnold  
Pierce Phineas  
Rose Jarius  
Reed Seth  
Saxton Frederick  
Thompson Isaiah  
Talmadge Elisha  
Wadsworth James  
Wadsworth Gad

## SUBSCRIBERS NAMES.

NEW-JERSEY.  
**F**ARROW Amos, Monmouth  
 county  
 Hooper Robert Lettis, Trenton,  
 Hunterdon county 4 sets

Haring John, Bergen county  
 PENNSYLVANIA.  
**B**OARDMAN —, Luzer  
 county  
 Catline —, do. do

Note, **I**T was proposed to annex the ADDITIONS of the several subscribers their respective names : but, as they were not added by more than a third of the gentlemen whose names appear as patrons to this work, and as it could not otherwise be ascertained with exactitude, this intention was soon absolutely impracticable. The Editor has taken some pains to place them in alphabetical arrangement, by counties, which will prevent the evil of mistaking a man in one county for one of the same name in another. This mode was conceived to be an adviseable substitute, and, it is believed, will be well received by the subscribers in general.

It is presumed, as several gentlemen, whose names are not borne on our subscription roll, have applied for books, that several lists of subscribers are still out : If these lists should come in, and it should be satisfactorily proved that they were taken before October last, they shall be admitted to the privileges of those already received—otherwise they will be considered as non-subscribers, at one dollar the sett extra.

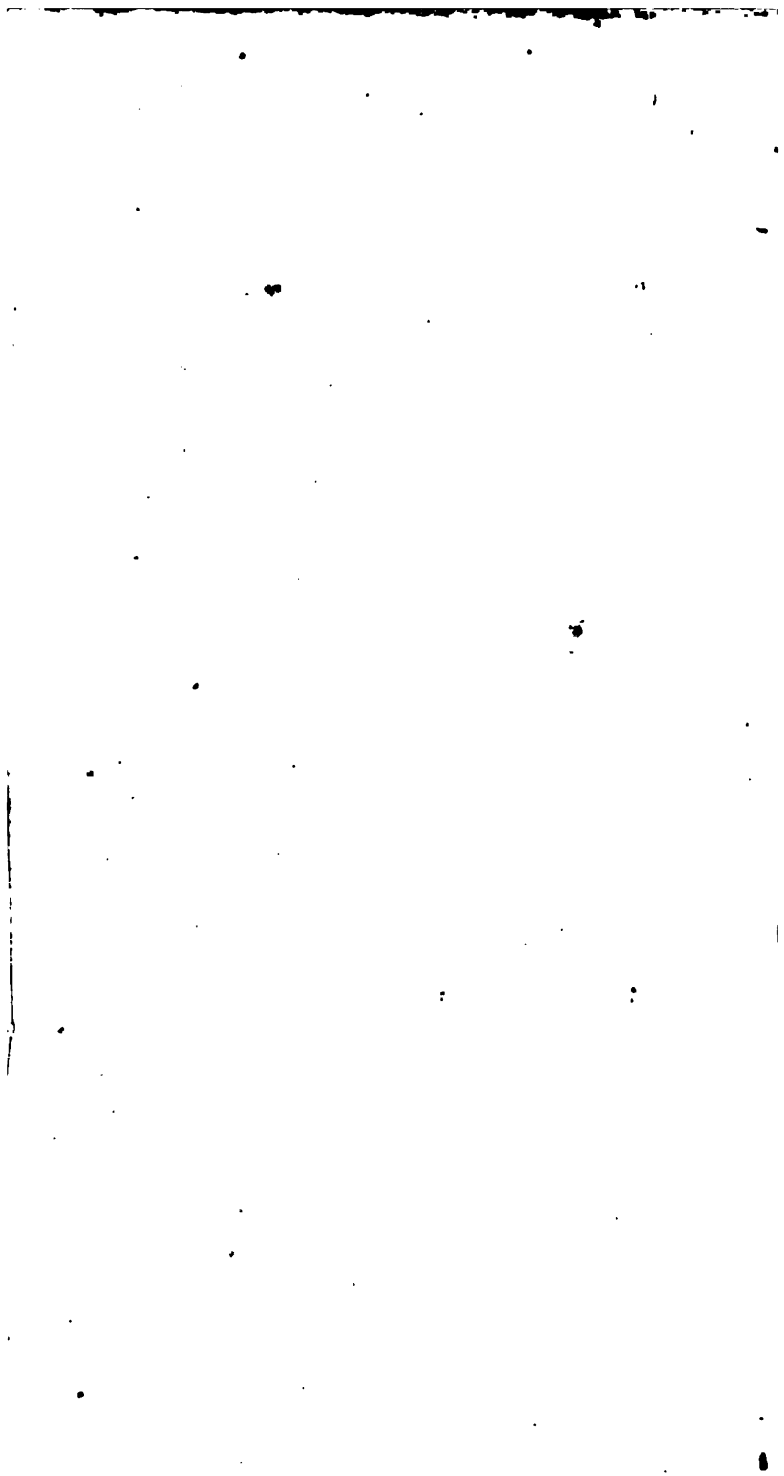


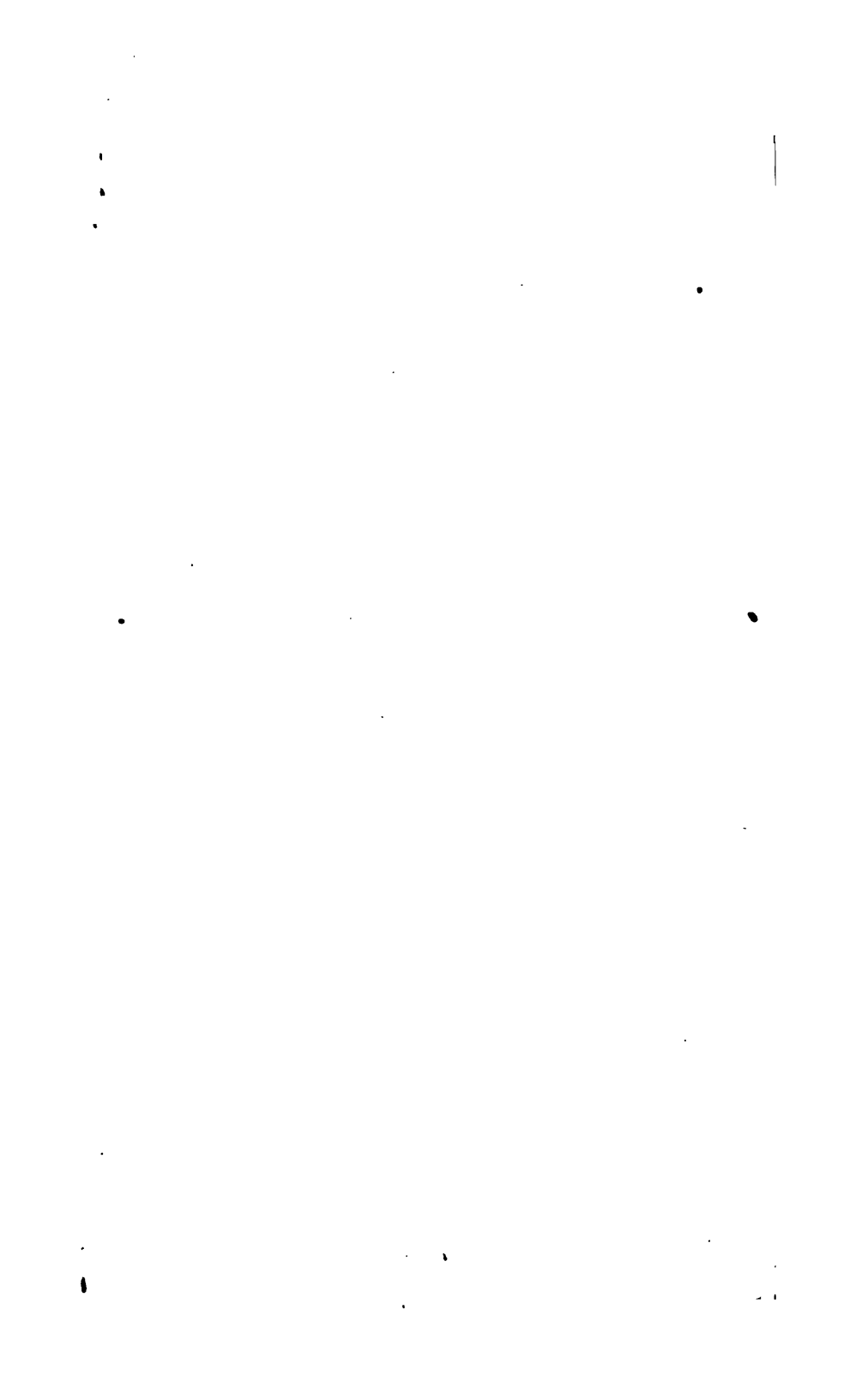
any  
the  
the

do.

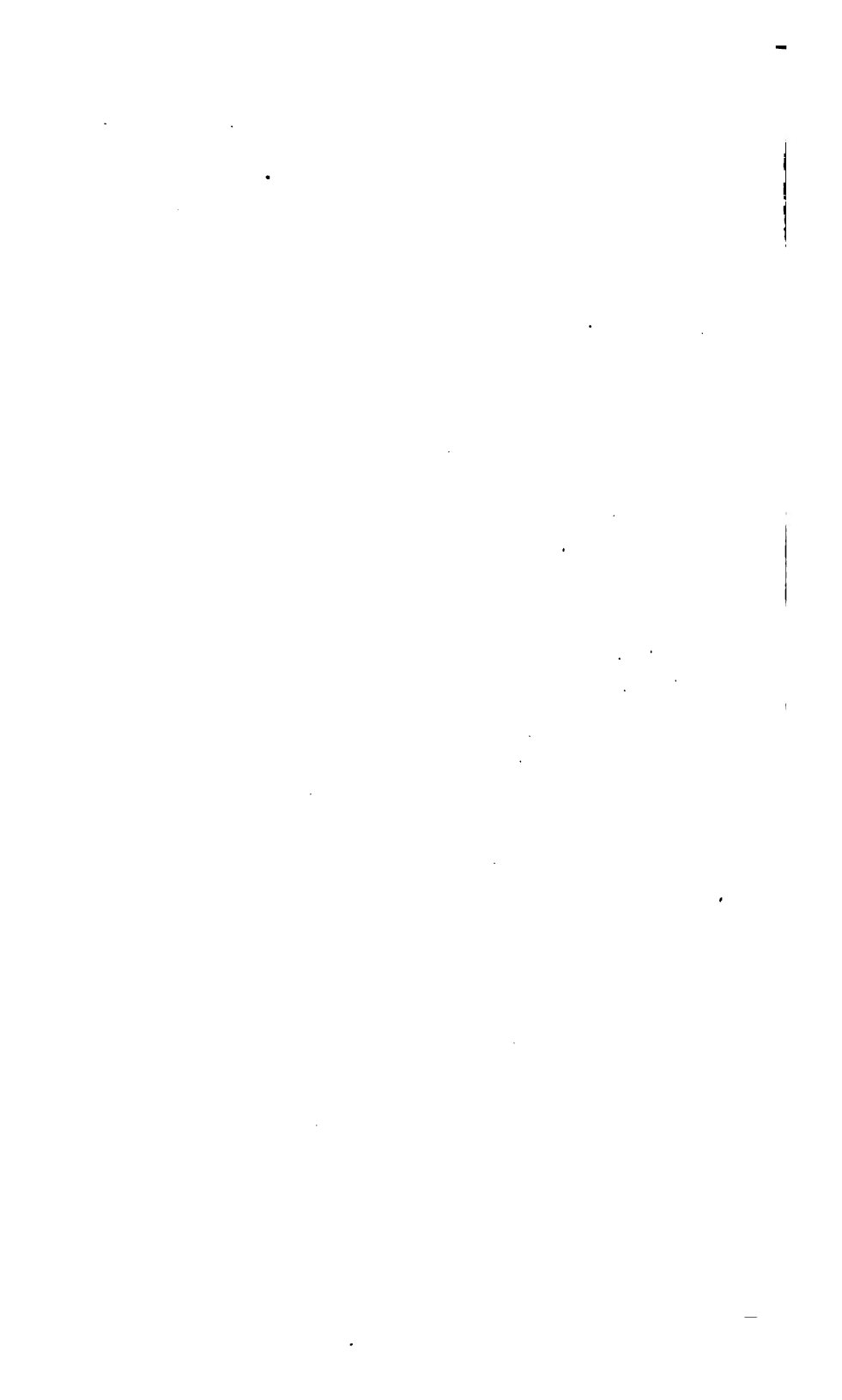
tribe  
then  
as the  
from  
then  
flaring  
the  
the

the  
the  
the  
the  
the













Stanford Law Library



3 6105 064 096 956

